

submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.²⁹ Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.³⁰ The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures*, 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (e.g., the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: June 22, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

²⁹ See section 782(b) of the Act.

³⁰ See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (“*Final Rule*”); see also frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate.

The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

The scope does not include calcium citrate that satisfies the standards set forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least 2 percent, by weight, of the product.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9295 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9295 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-863]

Honey From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Review and Notice of Amended Final Results of Review Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is notifying the public that the Court of International Trade's (CIT's or the Court's) final judgment in this case is not in harmony with the Department's final results of review and is, therefore, amending the final dumping duty margin for one reviewed company.

DATES: *Effective Date:* June 10, 2017.

FOR FURTHER INFORMATION CONTACT: John Drury, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401

Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0195.

SUPPLEMENTARY INFORMATION:

Background

On December 10, 2001, the Department published an amended final determination of sales at less than fair value, and an antidumping duty order, on honey from the People's Republic of China (PRC).¹ As part of the Department's amended final determination, the Department made affirmative critical circumstances determinations for Zhejiang Native Produce and Animal By-Products Import & Export Corp., a.k.a. Zhejiang Native Produce and Animal By-Products Import and Export Group Corporation (Zhejiang), and certain other firms.²

On January 20, 2003, the Department initiated an administrative review of the antidumping duty order on honey from the PRC covering the period February 10, 2001, through November 30, 2002.³ In the administrative review, the Department determined normal value using a factors of production (FOP) methodology, pursuant to section 773(c) of the Tariff Act of 1930, as amended (the Act) and selected India as the primary surrogate country from which to derive surrogate values.

On May 5, 2004, the Department published the *Final Results*.⁴ On June 10, 2004, the Department published the *Amended Final Results*, which corrected certain ministerial errors.⁵ In the *Amended Final Results*, the Department corrected the antidumping duty margin for respondent Zhejiang from 68.35 percent to 67.70 percent *ad valorem*.

Zhejiang challenged the *Final Results* and *Amended Final Results* before the CIT. On November 19, 2004, the Department amended the record of the proceeding to add 11 documents that were not included in the original

¹ See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Honey from the People's Republic of China*, 66 FR 63670 (December 10, 2001) (*Amended Final Determination and Order*).

² *Id.*, at 63672.

³ See *Initiation of Antidumping and Countervailing Administrative Review and Requests for Revocation in Part*, 68 FR 3009 (January 22, 2003) (*Initiation Notice*).

⁴ See *Honey from the People's Republic of China: Final Results of First Antidumping Duty Administrative Review*, 69 FR 25060 (May 5, 2004), and the accompanying “Issues and Decision Memorandum for the Final Results of the First Administrative Review of the Antidumping Order on Honey from the People's Republic of China,” dated April 28, 2004 (Decision Memorandum) (collectively, *Final Results*).

⁵ See *Honey from the People's Republic of China: Amended Final Results of First Antidumping Duty Administrative Review*, 69 FR 32494 (June 10, 2004) (*Amended Final Results*).

record,⁶ but were identified as part of a Freedom of Information Act (FOIA) request filed by Zhejiang.

At the same time that Zhejiang challenged the Department's *Final Results* as amended, litigation concerning the Department's final determination of critical circumstances in the less than fair value investigation of honey from the PRC ensued.⁷ In light of the fact that the POR for the first administrative review was, in part, based on the Department's finding of critical circumstances in the investigation, the CIT stayed further action pending the outcome of the litigation relating to the investigation. The CIT affirmed the Department's finding on remand of no critical circumstances on June 18, 2013.⁸

On August 3, 2015, the CIT remanded this case to the Department. Specifically, the Court: (1) Granted the Department's request for a voluntary remand to reconsider the issues related to the surrogate value for raw honey; (2) remanded the issue of the selection of the appropriate financial statements; and (3) requested that the Department recalculate Zhejiang's dumping margin to reflect the different POR resulting from the decision in *Zhejiang Native Produce & Animal By-Products Import & Export Corp. v. United States*, Court No. 02-00057.

The Department released a draft redetermination on December 31, 2015, and invited comments from parties.⁹ The Department released a final redetermination on February 10, 2016.¹⁰ In the Final Redetermination, consistent with the Court's instructions and after a review of information on the record and comments from interested parties, the Department found that a change in the surrogate value for raw honey was not warranted and that a change in the financial statements for calculating surrogate values for factory overhead, selling, general and administrative

expenses, and profit, was also not warranted. In addition, the Department removed sales corresponding to the critical circumstances period and recalculated the antidumping duty margin. Specifically, the Department calculated a margin of 67.06 percent *ad valorem* for Zhejiang's sales of honey from the PRC for the period of May 11, 2001, to November 30, 2002.¹¹

On June 1, 2017, the CIT sustained the Department's Final Redetermination in its entirety.¹²

Timken Notice

In its decision in *Timken*,¹³ as clarified by *Diamond Sawblades*,¹⁴ the United States Court of Appeals for the Federal Circuit (CAFC) held that, pursuant to sections 516A(c) and (e) of the Act, the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's June 1, 2017, judgment in *Zhejiang III*, sustaining the Department's decision in the Final Redetermination to recalculate the dumping margin for Zhejiang from 67.70 percent to 67.06 percent, constitutes a final decision of the court that is not in harmony with the *Amended Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will issue liquidation instructions to U.S. Customs and Border Protection (CBP) to liquidate entries of honey from the PRC exported to or imported into the United States by Zhejiang at the rate of 67.06 percent *ad valorem* pending expiration of the period to appeal or, if appealed, pending a final and conclusive court decision.

Second Amended Final Results

Because there is now a final court decision, the Department amends the *Amended Final Results* with respect to the dumping margin of Zhejiang. The revised weighted-average dumping margin for Zhejiang during the period May 11, 2001, to November 30, 2002, is as follows:

| Exporter | Weighted-average dumping margin (percent) |
|---|---|
| Zhejiang Native Produce & Animal By-Products Import & Export Corp. | 67.06 |

In the event the Court's ruling is not appealed, or if appealed and upheld by the CAFC, the Department will instruct CBP to assess antidumping duties on entries of the subject merchandise exported by Zhejiang using the revised assessment rate calculated by the Department in the *Final Redetermination*.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: June 23, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF282

Endangered and Threatened Species; Listing and Recovery Priority Guidelines

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

ACTION: Notice of availability; extension of comment period.

SUMMARY: On May 31, 2017, we, NMFS, published a notice of availability to revise the Recovery Plan Preparation and Implementation Priorities and Recovery Plans contained in the 1990 Listing and Recovery Priority Guidelines. We opened a public comment period that lasted through June 30, 2017. We received several requests to extend the public comment period. Thus, we are extending the period through August 28, 2017.

DATES: Comments on the proposed revision must be received by close of business on August 28, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA-NMFS-2017-0020 by either of the following methods:

- *Federal e-Rulemaking Portal:* Go to www.regulations.gov/

⁶ See Letter to All Interested Parties, dated October 21, 2015, at Attachment I, citing to Amended Public Record 121-131, Ct. No. 04-268; see also *Amendment to Administrative Record in Zhejiang Native Produce and Animal By-Products Import and Export Corp. v. United States*, Court No. 04-00268, dated November 19, 2004.

⁷ See *Zhejiang Native Produce & Animal By-Products Import & Export Corp. v. United States*, Court No. 02-00057, 25 ITRD (BNA) 2394 (CIT November 21, 2003); 26 ITRD (BNA) 2320 (CIT August 26, 2004).

⁸ See *Zhejiang Native Produce & Animal By-Products Import & Export Corp. v. United States*, 2013 WL 2996235, Slip Op. 13-76 (CIT 2013).

⁹ See Letter to All Interested Parties, dated December 31, 2015 (Draft Redetermination).

¹⁰ See *Zhejiang Native Produce & Animal By-Products Import & Export Corp. v. United States*, Court No. 04-00268, dated February 10, 2016 (Final Redetermination).

¹¹ See Final Redetermination at 29-30.

¹² See *Zhejiang Native Produce & Animal By-Products Import & Export Corp. v. United States*, Court No. 04-00268, dated June 1, 2017 (*Zhejiang III*).

¹³ See *Timken Co. v. United States*, 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

¹⁴ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).