

record,<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> The Department released a final redetermination on February 10, 2016.<sup>10</sup> 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.<sup>11</sup>

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

#### Timken Notice

In its decision in *Timken*,<sup>13</sup> as clarified by *Diamond Sawblades*,<sup>14</sup> 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/](http://www.regulations.gov/)

<sup>6</sup> 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.

<sup>7</sup> 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).

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

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

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

<sup>11</sup> See Final Redetermination at 29-30.

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

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

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

*#!docketDetail;D=NOAA-NMFS-2017-0020*. Click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Therese Conant, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

*Instructions:* You must submit comments by one of the above methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(f) of the Endangered Species Act (ESA) (16 U.S.C. 1533(f)) requires the Secretary to develop recovery plans for all species listed pursuant to the ESA, unless he/she finds that such a plan will not promote the recovery of the species. Section 4(h) of the ESA requires the Secretary to establish a system for developing and implementing, on a priority basis, recovery plans under Section 4(f). We finalized guidance for prioritizing recovery plan development and implementation on June 15, 1990 (55 FR 24296). However, through our application of the Recovery Plan Preparation and Implementation Priorities and Recovery Plans (see parts ‘B’ and ‘C’ 55 FR 24296; June 15, 1990), we have determined that the guidelines contain vague definitions and lack sufficient detail regarding factors that should be considered when evaluating threats and recovery potential. For these reasons, we published, on May 31, 2017 (82 FR 24944), proposed revisions to the Recovery Plan Preparation and Implementation Priorities and Recovery Plan parts of the 1990 Listing and Recovery Priority Guidelines. We solicited comments on the proposed revision to be submitted by June 30, 2017. On June 14 and June 16, 2017, we received requests to extend the public comment period by an additional 30 days and 90 days, respectively. Thus, we are extending the public comment period through August 28, 2017.

Previously submitted comments do not need to be resubmitted.

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

Dated: June 26, 2017.

**Catherine Marzin,**

*Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2017-13714 Filed 6-29-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF425**

#### Endangered and Threatened Species; Initiation of 5-Year Review for the North Pacific Right Whale

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

**ACTION:** Notice of initiation of 5-year review; request for information.

**SUMMARY:** NMFS announces a 5-year review of the North Pacific right whale (*Eubalaena japonica*) under the Endangered Species Act of 1973 (ESA), as amended. A 5-year review must be based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any such information on these whales that has become available since the last status review in 2012.

**DATES:** To allow us adequate time to conduct this review, we must receive your information no later than July 31, 2017. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2017-0046, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0046](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0046), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Jon Kurland, Assistant Regional Administrator for Protected Resources, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802-1668.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments

received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address), confidential information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

#### FOR FURTHER INFORMATION CONTACT:

Verena Gill, NMFS Alaska Region, (907) 271-1937, [verena.gill@noaa.gov](mailto:verena.gill@noaa.gov).

**SUPPLEMENTARY INFORMATION:** Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every five years. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review. This notice announces our active review of North Pacific right whales, currently listed as endangered. To ensure that the 5-year review 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 North Pacific right whales. Categories of requested information include: (1) Species biology and demographics (population trends, distribution, abundance, genetics, etc.); (2) habitat conditions (amount, distribution, suitability, quality, etc.); (3) conservation measures that have been implemented that benefit the species; (4) status and trends of threats; and (5) other new information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the list of threatened and endangered species, and improved analytical methods, if any. Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for these whales.

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

Dated: June 26, 2017.

**Catherine Marzin,**

*Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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