

**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 Determination of Sales at Less Than Fair Value and Notice of Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** On June 18, 2013, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) final results of remand redetermination in which it determined that critical circumstances did not exist during the less than fair value investigation pursuant to the CIT's remand order in *Zhejiang Native Produce & Animal By-Products Import & Export Corp. v. United States*, Court No. 02-00057, Slip Op. 11-110 (September 6, 2011).<sup>1</sup> Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*), the Department is notifying the public that the final CIT judgment in this case is not in harmony with the Department's *Notice of Final Determination of Sales at Less Than Fair Value; Honey from the People's Republic of China*, 66 FR 50608 (October 4, 2001) (*Final Determination*) and is amending its *Final Determination*.

**DATES:** *Effective Date:* July 8, 2013.

**FOR FURTHER INFORMATION CONTACT:** John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Room 7850, Washington, DC 20230; telephone (202) 482-0195 or (202) 482-3019, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On March 22, 2013, the Department issued the Remand Results. The Department provided an extensive

<sup>1</sup> See Final Results of Redetermination Pursuant to Court Remand *Zhejiang Native Produce & Animal By-Products Import & Export Corp., et al. v. United States* Court No. 02-00057 (March 22, 2012) (Remand Results).

background of this case in its previous results of redetermination pursuant to remand.<sup>2</sup> In the Remand Results, the Department found that that importers did not know, or could not have known, that honey from the People's Republic of China was being sold at less than fair value, and that therefore no critical circumstances existed for any entity examined during the investigation.

On June 18, 2013, the CIT sustained the Department's Remand Results, stating that the Department's determination that critical circumstances did not exist was supported by substantial evidence and was in accordance with the law.<sup>3</sup>

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (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 18, 2013, judgment in this case constitutes a final decision of that court that is not in harmony with the Department's *Final Determination*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

**Amended Final Less Than Fair Value Determination**

Because there is now a final court decision with respect to this case, the Department amends its final less than fair value determination to reflect that critical circumstances did not exist for any company or entity in the investigation. In the event the CIT's ruling is not appealed or, if appealed, upheld by the Federal Circuit, the Department will instruct CBP to liquidate entries that were suspended, due to the original affirmative critical circumstances finding, without regard to antidumping duties, and to lift suspension of liquidation of such entries.<sup>4</sup>

<sup>2</sup> See *Zhejiang Native Produce & Animal By-Products Import & Export Corp., et al. v. United States*, Results of Redetermination Pursuant to Remand (December 8, 2010), at 2-8.

<sup>3</sup> See *Zhejiang Native Produce & Animal By-Products Imp. & Exp. Corp. v. United States*, Court No. 02-00057, Slip Op. 13-76 (Ct. Int'l Trade June 18, 2013).

<sup>4</sup> The Department does not intend to instruct CBP to liquidate any entries at issue that otherwise

This notice is issued and published in accordance with sections 516A(c)(1), 735(d), and 777(i)(1) of the Act.

Dated: June 28, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Proposed Information Collection; Comment Request; Alaska Crab Cost Recovery**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before September 6, 2013.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Patsy A. Bearden, 907-586-7008 or [patsy.bearden@noaa.gov](mailto:patsy.bearden@noaa.gov).

**SUPPLEMENTARY INFORMATION:****I. Abstract**

This request is for extension of a current information collection. Fishery Management Plans (FMP) are developed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) The FMP for Bering Sea and Aleutian Islands (BSAI) Crab includes the Crab Rationalization (CR) Program, a limited access system that allocates BSAI Crab resources among harvesters, processors, and coastal communities. The intent of the Alaska Crab Cost Recovery is to

continue to be suspended pursuant to a separate injunction in another case.

monitor crab landings in the BSAI crab fisheries through receipt of reports and provide for cost recovery payment of fees for all CR crab received.

## II. Method of Collection

Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

## III. Data

*OMB Control Number:* 0648–0570.

*Form Number:* None.

*Type of Review:* Regular submission (extension of a current information collection).

*Affected Public:* Business or other for-profit organizations; individuals or households.

*Estimated Number of Respondents:* 31.

*Estimated Time per Response:* 40 hours for Eligible Crab Community Organization (ECCO) annual report; 2 hours for Registered Crab Receiver (RCR) Ex-vessel Volume and Value Report, 30 minutes for RCR Fee Submittal.

*Estimated Total Annual Burden Hours:* 113.

*Estimated Total Annual Cost to Public:* \$ 11.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 2, 2013.

### Gwellnar Banks,

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2013–16262 Filed 7–5–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XC743

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Regional Administrator, Southwest Region, NMFS, has made a preliminary determination that an application for an Exempted Fishing Permit (EFP) warrants further consideration. The application was submitted by members of the Pacific sardine fishing industry who request an exemption from seasonal closures of the sardine directed fishery to conduct a survey designed to estimate the population size of Pacific sardine. NMFS requests public comment on the application.

**DATES:** Comments must be received by July 23, 2013.

**ADDRESSES:** You may submit comments on this notice identified by 0648–XC743 by any one of the following methods:

- *Mail:* Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.
- *Fax:* (562) 980–4047, Attn: Joshua Lindsay.

**FOR FURTHER INFORMATION CONTACT:** A copy of the application can viewed at the following Web site <http://swr.nmfs.noaa.gov/fmd/cps/>; or by contacting Joshua Lindsay, Southwest Region, NMFS, (562) 980–4034.

**SUPPLEMENTARY INFORMATION:** On June 17, 2013, NMFS published a final rule to implement the harvest guideline (HG) and annual specifications for the 2013 Pacific sardine fishing season off the U.S. West Coast (78 FR 36117). As part of these management measures, 3,000 metric tons (mt) of the maximum harvest guideline (HG) was subtracted and set aside for potential EFPs. This 3,000 mt set-aside was intended to allow for potential research fishing in the second seasonal period (July 1–September 14, 2013) to occur if that period's directed fishery allocation is reached and directed fishing is closed.

An EFP would allow the fishing activities proposed by the applicants to occur when directed fishing is not allowed. At the March 2013, Council

meeting, the Council recommended that NMFS issue an EFP for the total 3,000 mt of the 3,000 mt initially set aside. The applicants proposed the use of 3,000 mt to replicate summer surveys conducted under EFP's approved in 2009–2012.

One of the goals set forth in the EFP application is the development of an index of biomass for Pacific sardine, with the desire that this index be included in the subsequent Pacific sardine stock assessment. If NMFS does not issue this EFP, then the set-aside will be re-allocated to the third period's directed harvest allocation. Likewise any amount of the set-aside allocated to an EFP for use during the closed fishing time in the second allocation period (prior to September 15), but not utilized, will roll into the third allocation period's directed fishery.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 2, 2013.

### Kelly Denit,

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

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**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XC745

#### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Pacific Council) South of Humboldt Policy Committee (Policy Committee) for Pacific halibut will hold a working meeting, which is open to the public.

**DATES:** The Policy Committee meeting will be held Tuesday, July 30, 2013 from 10 a.m. until business for the day is completed.

**ADDRESSES:** The meeting will be held at the Pacific Council Office, Large Conference Room, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384 telephone: (503) 820–2280. In addition to the Pacific Council office, listening and public comment stations may be available. Please contact the Council office, (503) 820–2280, or our Web site ([www.pcouncil.org](http://www.pcouncil.org)) for more information.