

- to Rs. 5 lakhs
- f. 100 percent reimbursement of stamp duty and transfer duty paid for the purchase of land and buildings and the obtaining of financial deeds and mortgages
- g. A grant of 25 percent of the tax paid to GAAP, which is applied as a credit against the tax owed the following year, for a period of five years from the date of commencement of production
- h. Exemption from the GAAP Non-agricultural Land Assessment (NALA)
- i. Provision of "infrastructure" for industries located more than 10 kilometers from existing industrial estates or industrial development areas
- j. Guaranteed "stable prices of municipal water for 3 years for industrial use" and reservation of 10% of water for industrial use for existing and future projects
- 3. State Government of Gujarat Programs
  - a. State Government of Gujarat (SGOG) Provided Tax Incentives
    - (1). Sales Tax Exemptions of Purchases of Goods During the POR
    - (2). Sales Tax Deferrals on Purchases of Good from Prior Years (As Well as Deferrals Granted During the POR) which Were Outstanding During the POR)
    - (3). Accounting Treatment of Purchases
    - (4). Value Added Tax (VAT) Program Established on April 1, 2006
  - b. Captive Port Facilities
    - Credit for the cost of the capital (including interest) to construct the port facilities, which is then applied as an offset to the wharfage charges due Gujarat on cargo shipped through the captive jetty
- 4. State Government of Jharkhand Programs
  - a. Grants and Tax Exemptions under the State Industrial Policy of 2001
  - b. Subsidies for Mega Projects under the JSIP of 2001
- 5. State Government of Maharashtra Programs
  - a. Refunds of Octroi Under the PSI of 1993, Maharashtra Industrial Policy of 2001, and Maharashtra Industrial Policy of 2006
  - b. Infrastructure Assistance for Mega Projects
  - c. Land for Less than Adequate Remuneration
  - d. Loan Guarantees Based on Octroi Refunds by the SGM.
  - e. Investment Subsidy

#### V. Analysis of Comments

*Comment 1:* Whether the Failure of the Government of India (GOI) and the Indian State Governments (ISGs) to Respond to the Department's Questions

Warrants Application of Adverse Inferences with Respect to Subsidy Programs Essar Claims It Did Not Use  
*Comment 2:* Whether Essar Received Benefits Under the Industrial Policy of the State Government of Chhattisgarh (SGOC)

*Comment 3:* Whether Essar Received Benefits Under the Industrial Policy of the State Government of Andhra Pradesh (SGOAP)

*Comment 4:* Whether Essar Received Benefits Under the Captive Port Facilities Program of the State Government of Gujarat (SGOG)

*Comment 5:* Whether Essar Received Benefits Under the GOI's Special Economic Zone (Act of 2005 (SEZ Act))

*Comment 6:* Whether the Department Inadvertently Failed to Include Certain Export Promotion Capital Goods Scheme (EPCGS) Licenses in the Benefit Calculation for the Preliminary Results

*Comment 7:* Whether the Department Should Adjust the EPCGS License Application Fees Reported by Essar

*Comment 8:* Whether It Was Appropriate to Apply Adverse Inferences With Regard to Certain of Essar's EPCGS Licenses

*Comment 9:* Whether the Department Erred In Calculating Benefits Conferred Under the Pre-Shipment Export Financing Program

*Comment 10:* Whether the National Mineral Development Corporation (NMDC) is a Government Authority Capable of Providing a Financial Contribution

*Comment 11:* Whether There is a Viable In-Country Benchmark Price For Use in the Benefit Calculation of the Provision of High-Grade Iron Ore DR-CLO Lumps (lumps) and Iron Ore Fines (Fines) for Less Than Adequate Remuneration (LTAR) Calculation, and If So, How It Should Be Calculated

*Comment 12:* Whether the Department Used Comparable Benchmark Prices For Use in the Benefit Calculations of the Provision of Lumps and Fines for LTAR Program

*Comment 13:* Whether the Department's Inclusion of Freight Costs in the Fines and Lumps Benchmarks Produced a Distorted Result

*Comment 14:* Whether the Department Should Make Certain Adjustments to the Benchmark Used in the Benefit Calculation of the Provision of lumps and fines and for LTAR Program

#### VI. Total Net Subsidy Rate

#### VII. Recommendation

[FR Doc. E9-10496 Filed 5-5-09; 8:45 am]

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

RIN 0648-XO21

#### Endangered Species; File No. 13543

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that South Carolina Department of Natural Resources, 217 Ft. Johnson Rd., Charleston, SC 29412, has been issued a permit to take loggerhead (*Caretta caretta*), green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), olive ridley (*Lepidochelys olivacea*) and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 427-2521;

Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Amy Hapeman, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** On August 7, 2008, notice was published in the Federal Register (73 FR 45967) that a request for a scientific research permit to take sea turtles had been submitted by the above-named organization. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The proposed research will further the understanding of the growth, distribution, and life history of sea turtles. The five-year permit will allow researchers to annually handle, measure, weigh, passive integrated transponder tag, flipper tag, and photograph up to 45 loggerhead, 6

green, 15 Kemp's ridley, 6 leatherback, 2 olive ridley, and 2 hawksbill sea turtles. These animals would have already been captured by authorized coastal trawl surveys taking place in waters off of North Carolina to Florida.

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 30, 2009.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E9-10512 Filed 5-5-09; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 19-2009]

#### Foreign-Trade Zone 20—Hampton Roads, Virginia, Area, Application for Reorganization/Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Virginia Port Authority, grantee of FTZ 20, requesting authority to reorganize and expand the zone project within the Norfolk Customs and Border Protection port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on April 28, 2009.

FTZ 20 was approved on April 15, 1975 (Board Order 105, 40 FR 17884, 4/23/75); relocated on January 17, 1977 (Board Order 114, 42 FR 4187, 1/24/77), and on March 16, 1981 (Board Order 173, 46 FR 18063, 3/23/81); and, expanded on May 8, 1997 (Board Order 887, 62 FR 28446, 5/23/97), on July 28, 2000 (Board Order 1113, 65 FR 50179, 8/17/00), and on April 5, 2001 (Board Order 1163, 66 FR 20235, 4/20/01).

The zone project consists of eighteen sites (10,119 acres total) in the Hampton Roads area: *Site 1* (22 acres)—located at 215 Suburban Drive, Suffolk; *Site 2* (10 acres)—located at 324 Moore Avenue, Suffolk; *Site 3* (30 acres total, 4 parcels)—within the Greenbrier Industrial Park at 630 Woodlake Drive, 1720 S. Military Highway, 575 Woodlake Circle and 570 Woodlake Circle, Chesapeake; *Site 4* (905 acres)—Norfolk International Terminals, 7737 Hampton Boulevard, Norfolk; *Site 5* (242 acres)—Portsmouth

Marine Terminal, 2000 Seaboard Avenue, Portsmouth; *Site 6* (184 acres)—Newport News Marine Terminal, 25th & Warwick Boulevard, Newport News; *Site 7* (490 acres total, 6 parcels)—Warren County Industrial Corridor, Routes 340, 522 and 661, Front Royal; *Site 8* (372 acres)—Bridgeway Commerce Park, Interstate 664, Suffolk; *Site 9* (672 acres)—Cavalier Industrial Park, Interstate 64 and U.S. Route 13, Chesapeake; *Site 10* (26 acres)—D.D. Jones Transfer & Warehouse, Inc., 1920 Campostella Road, Chesapeake; *Site 11* (177 acres)—New Boone Farm Industrial Park, Interstate 664, Chesapeake; *Site 12* (60 acres)—PortCentre Commerce Park, Route 264, Portsmouth; *Site 13* (154 acres)—Suffolk Industrial Park, 595 Carolina Road, Suffolk; *Site 14* (6,187 acres total, 2 parcels)—Goddard Space Flight Center—Wallops Flight Facility, Accomack County; *Site 15* (449 acres)—Accomack Airport Industrial Park, U.S. Highway 13 & Parkway Road, Melfa; *Site 16* (5 acres)—within the Battlefield Lakes Technical Center, 525 & 533 Byron Street, Norfolk; *Site 17* (4 acres)—within the Butts Station Commerce Center, 600, 604 and 608 Greentree Road, Chesapeake; and, *Site 18* (130 acres)—within the 579-acre Port of Cape Charles Sustainable Technologies Industrial Park, two miles from U.S. 13 on SR 1108, Bayshore Drive.

The applicant is now requesting authority for a reorganization and expansion of the zone, which includes both additions and deletions with an overall increase of 639 acres in total zone space as described below:

- Existing Site 3—modify to reinstate acreage at Parcels 1 and 3 removed through administrative actions and expand to include additional acreage at Parcels 2 and 4 and to include two new parcels located at 551 Woodlake Circle (Parcel 5) and 575B Woodlake Circle (Parcel 6) (new total acreage—72 acres);
- Existing Site 8—modify to remove 239 acres due to changed circumstances (new total acreage—133 acres);
- Existing Site 9—modify to reinstate acreage removed through administrative action (new total acreage—689 acres);
- Proposed Site 19 (323 acres)—Shirley T. Holland Commerce Park, 25400 Old Mill Road, Windsor;
- Proposed Site 20 (72 acres)—Commerce Center Hampton Roads, 150 Judkins Court, Suffolk;
- Proposed Site 21 (85 acres)—Virginia Regional Commerce Park, 2930 Pruden Boulevard, Suffolk;
- Proposed Site 22 (18 acres)—Port

Norfolk Holdings, LLC, warehouse located at 1157 Production Road, Norfolk, within the Norfolk Industrial Park;

—Proposed Site 23 (101 acres)—Virginia Commerce Center, 351 Kenyon Road, Suffolk; and,  
 —Proposed Site 24 (220 acres)—Westport Commerce Center located on Manning Bridge Road, Suffolk.  
 The sites will provide warehousing and distribution services to area businesses. No specific manufacturing authority is being requested at this time. Such requests would be made to the Board on a case-by-case basis. In accordance with the Board's regulations, Camille Evans of the FTZ staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 6, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 20, 2009.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230-0002, and in the "Reading Room" section of the Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Camille Evans at [Camille\\_Evans@ita.doc.gov](mailto:Camille_Evans@ita.doc.gov) or (202) 482-2350.

Dated: April 28, 2009.

**Andrew McGilvray,**

*Executive Secretary.*

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**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XO76**

#### 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 Assistant Regional Administrator for Sustainable Fisheries,