

core criterion will be given more favorable consideration):

1. *Investments in support of long-term, coordinated and collaborative regional economic development approaches:*

- Establish comprehensive regional economic development strategies that identify promising opportunities for long-term economic growth.
- Exhibit demonstrable, committed multi-jurisdictional support from leaders across all sectors:
 - i. Public (e.g., mayors, city councils, county executives, senior state leadership);
 - ii. Institutional (e.g., institutions of higher learning);
 - iii. Non-profit (e.g., chambers of commerce, development organizations); and
 - iv. Private (e.g., leading regional businesses, significant regional industry associations).

• Generate quantifiable positive economic outcomes.

2. *Investments that support innovation and competitiveness:*

- Develop and enhance the functioning and competitiveness of leading and emerging industry clusters in an economic region.
- Advance technology transfer from research institutions to the commercial marketplace.
- Bolster critical infrastructure (e.g., transportation, communications, specialized training) to prepare economic regions to compete in the world-wide marketplace.

3. *Investments that encourage entrepreneurship:*

- Cultivate a favorable entrepreneurial environment consistent with regional strategies.
- Enable economic regions to identify innovative opportunities among growth-oriented small- and medium-size enterprises.
- Promote community and faith-based entrepreneurship programs aimed at improving economic performance in an economic region.

4. *Support strategies that link regional economies with the global marketplace:*

- Enable businesses and local governments to understand that ninety-five (95) percent of our potential customers do not live in the United States.
- Enable businesses, local governments and key institutions (e.g., institutions of higher education) to understand and take advantage of the numerous free trade agreements.
- Enable economic development professionals to develop and implement strategies that reflect the competitive environment of the 21st Century global marketplace.

The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements: The administrative and national policy requirements for all Department of Commerce awards, contained in the *Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements*, published in the **Federal Register** on February 11, 2008 (73 FR 7696), are applicable to this competitive solicitation.

Paperwork Reduction Act: This document contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA). The use of Forms ED-900P (*Pre-Application for Investment Assistance*) and ED-900A (*Application for Investment Assistance*) has been approved by the Office of Management and Budget (OMB) under the control number 0610-0094. The use of Form SF-424 (*Application for Financial Assistance*) has been approved under OMB control number 4040-0004. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Executive Order 12866 (Regulatory Planning and Review): This notice has been determined to be not significant for purposes of Executive Order 12866.

Executive Order 13132 (Federalism): It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Administrative Procedure Act/Regulatory Flexibility Act: Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for rules concerning grants, benefits, and contracts (5 U.S.C. 553(a)(2)). Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis has not been prepared.

Dated: August 8, 2008.

Otto Barry Bird,

Chief Counsel, Economic Development Administration.

[FR Doc. E8-18794 Filed 8-13-08; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 44-2008]

Foreign-Trade Zone 77 Memphis, Tennessee, Application for Subzone, Black & Decker Corporation(Power Tools, Lawn and Garden Tools, and Home Products Distribution), Jackson, Tennessee

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Memphis, grantee of FTZ 77, requesting special-purpose subzone status for the tools and home products warehousing/distribution facilities of Black & Decker Corporation, in Jackson, Tennessee. 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 August 5, 2008.

The Black & Decker site, consisting of a manufacturing plant (2 bldgs., 482,000 sq. ft.) and a distribution center (1 building, 675,000 sq. ft.) on 177 acres, is located at the intersection of Highway 45 North and Passmore Lane in Jackson, Tennessee. The facilities (700 employees) are used for the quality inspection, kitting, repackaging, order fulfillment, warehousing and distribution of power tools, lawn and garden tools, home products and related products and accessories; activities which Black & Decker is proposing to perform under FTZ procedures. Some 75 percent of the components are sourced abroad. About 5 to 10 percent of production is currently exported. None of the activities which Black & Decker is proposing to perform under zone procedures would constitute manufacturing or processing under the FTZ Board's regulations.

Zone procedures would exempt Black & Decker from Customs duty payments on foreign products that are re-exported. On domestic sales, the company would be able to defer payment until merchandise is shipped from the facility. The company may also realize certain logistical benefits related to the use of direct delivery and weekly customs entry procedures. The application indicates that FTZ procedures would be used to support Black & Decker's Tennessee-based distribution activity in competition with facilities abroad.

In accordance with the Board's regulations, Diane Finver 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 October 14, 2008. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 28, 2008).

A copy of the application will be available for public inspection at each of the following locations: U.S. Department of Commerce Export Assistance Center, 22 North Front Street, Suite 200, Memphis, Tennessee 38103; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, D.C. 20230-0002.

For further information, contact Diane Finver at Diane_Finver@ita.doc.gov or (202) 482-1367.

Dated: August 7, 2008.

Andrew McGilvray,
Executive Secretary.

[FR Doc. E8-18849 Filed 8-13-08; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-602-806]

Notice of Final Determination of Sales at Less Than Fair Value and Termination of Critical- Circumstances Investigation: Electrolytic Manganese Dioxide from Australia

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

EFFECTIVE DATE: August 14, 2008.

SUMMARY: The Department of Commerce determines that imports of electrolytic manganese dioxide from Australia are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The final weighted-average dumping margins are listed below in the section entitled "Final Determination of Investigation."

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3477 and (202) 482-1690, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On March 26, 2008, the Department of Commerce (the Department) published its preliminary determination of sales at less than fair value in the antidumping duty investigation of electrolytic manganese dioxide (EMD) from Australia. See *Notice of Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances: Electrolytic Manganese Dioxide from Australia*, 73 FR 15982 (March 26, 2008) (*Preliminary Determination*). On April 18, 2008, we postponed the deadline for the final determination under section 735 (a)(2)(A) of the Act by 60 days to August 8, 2008. See *Postponement of Final Determination of Antidumping Duty Investigation: Electrolytic Manganese Dioxide from Australia*, 73 FR 21108 (April 18, 2008).

We invited parties to comment on the *Preliminary Determination*. We received a case brief from the respondent, Delta EMD Australia Pty. Limited (Delta), on May 19, 2008; the petitioner, Tronox LLC, filed a rebuttal brief on May 27, 2008. At the request of Delta, we held a hearing on June 17, 2008.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the "Issues and Decision Memorandum for the Antidumping Duty Investigation of EMD from Australia for the Period of Investigation July 1, 2006, through June 30, 2007" (Decision Memorandum) from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated August 8, 2008, which is hereby adopted by this notice. This Decision Memorandum is attached to this notice as an appendix and is on file in the Central Records Unit (CRU) in room 1117. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the Decision Memorandum are identical in content.

Scope of Investigation

The merchandise covered by this investigation includes all manganese dioxide (MnO₂) that has been manufactured in an electrolysis process, whether in powder, chip, or plate form. Excluded from the scope are natural manganese dioxide (NMD) and chemical manganese dioxide (CMD). The merchandise subject to this investigation is classified in the

Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2820.10.00.00. While the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation is from July 1, 2006, through June 30, 2007.

Adverse Facts Available

For the final determination, we continue to find that, by failing to provide information we requested, Delta did not act to the best of its ability in responding to our requests for information. Thus, the Department continues to find that the use of adverse facts available is warranted for this company under sections 776(a)(2) and (b) of the Act. See *Preliminary Determination*, 73 FR at 15983. As a result of our analysis of comments received, we have changed the adverse facts-available rate for the final determination. Specifically, we have assigned Delta a rate of 83.66 percent based on the rate alleged in the petition, as recalculated in this final determination. See Final Determination Analysis Memorandum (August 8, 2008). Further, pursuant to section 776(c) of the Act and as discussed in the *Preliminary Determination*, we corroborated the key elements of the export-price and normal-value calculation used in the petition to derive an estimated margin from which we have derived the adverse facts-available rate.

Termination of Critical Circumstances Investigation

On February 19, 2008, the petitioner in this investigation, Tronox LLC, submitted an allegation of critical circumstances with respect to imports of electrolytic manganese dioxide from Australia. On March 19, 2008, we issued the *Preliminary Determination*, stating that we had reason to believe or suspect critical circumstances exist with respect to imports of EMD from Australia. See *Preliminary Determination*, 73 FR at 15986-88. On July 17, 2008, the petitioner withdrew its critical circumstances allegation and requested that the Department terminate its critical circumstances inquiry. Therefore, we are terminating the critical circumstances investigation and we have not addressed any comments regarding critical circumstances for the final determination. We will instruct U.S. Customs and Border Protection (CBP) to terminate the suspension of liquidation of all imports of subject