

### *C. Tariff and Indirect Tax Exemption Programs*

1. Value Added Tax ("VAT") Refunds for FIEs Purchasing Domestically Produced Equipment.

### *D. VAT and Tariff Exemptions on Imported Equipment*

### *E. Preferential Lending Policies*

1. Discounted Loans for Export Oriented Industries ("Honorable Enterprises").

### *F. Government Restraints on Exports of Yellow Phosphorus*

For further information explaining why the Department is investigating these programs, see Initiation Checklist.

We are not including in our investigation the following program alleged to benefit producers and exporters of the subject merchandise in the PRC:

### **Provision of Electricity for Less Than Adequate Remuneration**

Petitioners allege that the GOC, through the National Development and Reform Commission, regulates the power rates for certain industries, including the yellow phosphorus industry and that differential rates are provided to the yellow phosphorus industry. Petitioners have not provided information that supports the allegation that differential pricing of electricity is provided to producers of the subject merchandise. Consequently, we do not plan on investigating this program.

### **Respondent Selection**

For this investigation, the Department expects to select respondents based on U.S. Customs and Border Protection ("CBP") data for U.S. imports during the period of investigation. We intend to release the CBP data under the Administrative Protective Order ("APO") to all parties with access to information protected by APO within five days of the announcement of the initiation of this investigation. Interested parties may submit comments regarding the CBP data and respondent selection within seven calendar days of publication of this notice. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at <http://ia.ita.doc.gov/apo>.

### **Distribution of Copies of the Petition**

In accordance with section 702(b)(4)(A)(i) of the Act, a copy of the public version of the Petition has been provided to the Government of the PRC. As soon as and to the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, consistent with section 351.203(c)(2) of the Department's regulations.

### **ITC Notification**

We have notified the ITC of our initiation, as required by section 702(d) of the Act and 19 CFR 351.203(c)(1).

### **Preliminary Determination by the ITC**

The ITC will preliminarily determine, within 25 days after the date on which it receives notice of the initiation, whether there is a reasonable indication that imports of subsidized sodium and potassium phosphate salts from the PRC are causing material injury, or threatening to cause material injury, to a U.S. industry. See section 703(a)(2) of the Act. A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act and 19 CFR 351.203(c)(1).

Dated: October 14, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

### **Attachment I**

#### **Scope of the Investigation**

The phosphate salts covered by this investigation include Sodium Triphosphate (STPP), whether anhydrous or in solution, anhydrous Monopotassium Phosphate (MKP), anhydrous Dipotassium Phosphate (DKP) and Tetrapotassium Pyrophosphate (TKPP), whether anhydrous or in solution (collectively "phosphate salts").

STPP, also known as Sodium triphosphate, Tripoly or Pentasodium triphosphate, is a sodium polyphosphate with the formula  $\text{Na}_5\text{O}_{10}\text{P}_3$ . The American Chemical Society, Chemical Abstract Service ("CAS") registry number for STPP is 7758-29-4. STPP is typically 25% phosphorus, 31% sodium and 57% diphosphorus pentoxide ( $\text{P}_2\text{O}_5$ ). STPP is classified under heading 2835.31.0000, HTSUS.

TKPP, also known as normal potassium pyrophosphate, Diphosphoric acid or Tetrapotassium salt, is a potassium salt with the formula  $\text{K}_4\text{P}_2\text{O}_7$ . The CAS registry number for

TKPP is 7320-34-5. TKPP is typically 18.7% phosphorus and 47.3% potassium. It is generally greater than or equal to 43.0%  $\text{P}_2\text{O}_5$  content. TKPP is classified under heading 2835.39.1000, HTSUS.

MKP, also known as Potassium dihydrogen phosphate, KDP, or Monobasic potassium phosphate, is a potassium salt with the formula  $\text{KH}_2\text{PO}_4$ . The CAS registry number for MKP is 7778-77-0. MKP is typically 22.7% phosphorus, 28.7% potassium and 52%  $\text{P}_2\text{O}_5$ . MKP is classified under heading 2835.24.0000, HTSUS.

DKP, also known as Dipotassium salt, Dipotassium hydrogen orthophosphate or Potassium phosphate, dibasic, has a chemical formula of  $\text{K}_2\text{HPO}_4$ . The CAS registry number for DKP is 7758-11-4. DKP is typically 17.8% phosphorus, 44.8% potassium and 40%  $\text{P}_2\text{O}_5$  content. DKP is classified under heading 2835.24.0000, HTSUS.

The products covered by this investigation include the foregoing phosphate salts in all grades, whether food grade or technical grade. The product covered by this investigation includes anhydrous MKP and DKP without regard to the physical form, whether crushed, granule, powder or fines. Also covered are all forms of STPP and TKPP, whether crushed, granule, powder, fines or solution.

For purposes of the investigation, the narrative description is dispositive, not the tariff heading, American Chemical Society, CAS registry number or CAS name, or the specific percentage chemical composition identified above.

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## **DEPARTMENT OF COMMERCE**

### **National Institute of Standards and Technology**

[Docket Number: 0910051336-91337-01]

### **Draft Report on the Collapse of the Dallas Cowboys Indoor Practice Facility, May 2, 2009; Request for Comments**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

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

**SUMMARY:** The National Institute of Standards and Technology (NIST) seeks comments on the draft report of its study of the Dallas Cowboys Indoor Practice Facility Collapse, May 2, 2009.

**DATES:** Comments must be received on or before 12 noon Eastern Time, November 6, 2009.

**ADDRESSES:** Comments may be submitted to NIST by e-mail at [structuralsafety@nist.gov](mailto:structuralsafety@nist.gov), by fax to 301-869-6275; or by regular mail to the attention of Stephen Cauffman, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8611, Gaithersburg, MD 20899-8611.

The draft report is available at: <http://www.bfrl.nist.gov/investigations/investigations.htm>.

**FOR FURTHER INFORMATION CONTACT:** Requests for further information may be addressed to: Stephen Cauffman, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8611, Gaithersburg, MD 20899-8611; tel: (301) 975-6051; e-mail: [structuralsafety@nist.gov](mailto:structuralsafety@nist.gov).

**SUPPLEMENTARY INFORMATION:** The report summarizes the NIST study of the collapse of the Dallas Cowboys indoor practice facility that occurred on the afternoon of May 2, 2009, during a severe thunderstorm. The principal findings of this study are summarized in this report and include the definition of the wind environment that affected the practice facility on May 2, 2009, possible factors contributing to the collapse of the facility, and the likely collapse sequence. The report concludes with a recommendation for action for improving the safety of fabric-covered frame structures and ensuring the adequate performance of such structures under design wind loads.

*Request for Comments:* NIST seeks comments on the draft report of its study of the Dallas Cowboys Indoor Practice Facility Collapse, May 2, 2009. NIST will review comments received, make appropriate revisions, and publish the report in a final form following the public comment period.

Dated: October 16, 2009.

**Patrick Gallagher,**

*Deputy Director, NIST.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XR60

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit (EFP)

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

**ACTION:** Notification of a proposal for an EFP to conduct experimental fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that the subject EFP application submitted by Wallace and Associates contains all the required information and warrants further consideration. The proposed EFP would extend the previously authorized EFP for an additional year, to continue testing the safety and efficacy of harvesting surfclams and ocean quahogs from the Atlantic surfclam and ocean quahog Georges Bank (GB) Closure Area using a harvesting protocol developed by state and Federal regulatory agencies and endorsed by the U.S. Food and Drug Administration (FDA). The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Surfclam and Ocean Quahog regulations and Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow one commercial fishing vessel to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would allow for an exemption from the Atlantic surfclam and ocean quahog GB Closure Area. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

**DATES:** Comments must be received on or before November 9, 2009.

**ADDRESSES:** Comments on this notice may be submitted by e-mail. The mailbox address for providing e-mail comments is [NERO.EFP@noaa.gov](mailto:NERO.EFP@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: "Comments on GB PSP Closed Area Exemption." Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on GB PSP Closed Area Exemption." Comments may also be

sent via facsimile (fax) to (978) 281-9135.

Copies of supporting documents referenced in this notice are available from Anna Macan, Fishery Management Specialist, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930, and are available via the Internet at <http://www.nero.noaa.gov/sfd/clams>.

#### FOR FURTHER INFORMATION CONTACT:

Anna Macan, Fishery Management Specialist, phone 978-281-9165.

**SUPPLEMENTARY INFORMATION:** Truex Enterprises of New Bedford, MA, first submitted an application for an EFP on March 30, 2006, and public comment was solicited via the **Federal Register** on June 19, 2006 (71 FR 35254). On October 2, 2006, the applicant submitted additional information seeking to add states where the product harvested under the EFP could be landed. Due to changes in the EFP Proposal, the notice and comment period was re-initiated and published in the **Federal Register** on November 14, 2006 (71 FR 66311). At that time, due to lack of concurrence on the Protocol for Onboard Screening and Dockside Testing for Paralytic Shellfish Poisoning (PSP) Toxins in Molluscan Shellfish (Protocol) from the state of landing, the EFP was not issued. The applicant subsequently received concurrence from the state of landing and the state where the product is to be processed for the Protocol and EFP, and an EFP was authorized through the end of calendar year 2008. The EFP was subsequently renewed for 1 year, and is due to expire on December 31, 2009.

The current applicant, Wallace & Associates, of Cambridge, MD, requests an extension of the previously authorized EFP to allow the catch and retention for sale of Atlantic surfclams and ocean quahogs from within the Atlantic surfclam and ocean quahog GB Closure Area. This area, located east of 69°00' W. long. and south of 42°20' N. lat., has been closed since May 25, 1990. This closure was implemented based on advice from the U.S. Food and Drug Administration (FDA) after samples of surfclams from the area tested positive for the toxins (saxotoxins) that cause PSP. These toxins are produced by the alga *Alexandrium fundyense*, which can form blooms commonly referred to as red tides. Red tide blooms, also known as harmful algal blooms (HABs), can produce toxins that accumulate in filter-feeding shellfish. Shellfish contaminated with the saxotoxin, if eaten in large enough quantity, can cause illness or death from PSP. Due, in part, to the inability to test and monitor