

Information System (SEVIS) and then printed and signed by a sponsor official, and sent to the Department by mail or fax. The Department is currently working with the Department of Homeland Security to expand SEVIS functions and enable the collection of electronic signatures. Annual reports will be submitted to the Department electronically as soon as the mechanism for doing so is approved and in place. DHS has announced a delay in implementation of SEVIS II. Please follow the indicated electronic link for complete details: http://www.ice.gov/sevis/sevisii/sevisii_update_032010.htm.

Dated: October 12, 2010.

Stanley S. Colvin,

Deputy Assistant Secretary for Private Sector Exchange, Bureau of Educational and Cultural Exchange, Department of State.

[FR Doc. 2010-26381 Filed 10-19-10; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF STATE

[Delegation of Authority No. 334]

Delegation by the Secretary of State to the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs To Notify Foreign Governments of Proposed Hazardous Waste Exports Under the Solid Waste Disposal Act

By virtue of the authority vested in me as Secretary of State, including Section 1 of the State Department Basic Authorities Act, as amended (22 U.S.C. 2651a), I hereby delegate to the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, to the extent authorized by law, the authority to approve notifications to foreign governments of proposed exports from the United States of hazardous waste, as provided under Section 3017 of the Solid Waste Disposal Act, 42 U.S.C. 6938.

Any act, executive order, regulation, or procedure subject to, or affected by, this delegation shall be deemed to be such act, executive order, regulation, or procedure as amended from time to time.

Notwithstanding this delegation of authority, the Secretary, the Deputy Secretary, or the Deputy Secretary of State for Management and Resources, and the Under Secretary for Democracy and Global Affairs may at any time exercise any authority or function delegated by this delegation of authority.

This delegation of authority shall be published in the **Federal Register**.

September 28, 2010.

Hillary Rodham Clinton,

Secretary of State.

[FR Doc. 2010-26380 Filed 10-19-10; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. USTR-2010-0028]

Initiation of Section 302 Investigation and Request for Public Comment: China—Acts, Policies and Practices Affecting Trade and Investment in Green Technology

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation and request for public comment.

SUMMARY: The United States Trade Representative (“Trade Representative”) has initiated an investigation under section 302(a) of the Trade Act of 1974, as amended (“Trade Act”), with respect to acts, policies, and practices of the People’s Republic of China (China) affecting trade and investment in green technology. The Trade Representative has initiated the investigation in response to a petition filed on September 9, 2010, and the investigation will cover the acts, policies, and practices identified in the petition. The investigation will consider whether these acts, policies, and practices deny U.S. rights or benefits under the GATT 1994, under the Agreement on Subsidies and Countervailing Measures (“SCM Agreement”), and under China’s Protocol of Accession to the WTO. USTR invites written comments from the public on the matters covered in the investigation.

DATES: The Trade Representative initiated this investigation on October 15, 2010. Written comments are due on or before 5 p.m. on November 15, 2010. Any request for a public hearing must be made no later than 5 p.m. on November 1, 2010.

ADDRESSES: Non-confidential comments (as explained below) should be submitted electronically via the Internet at www.regulations.gov, docket number USTR-2010-0028. If you are unable to provide submissions by www.regulations.gov, please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission. If (as explained below) the comments contain confidential information, the person wishing to

submit such comments should contact Sandy McKinzy at (202) 395-9483.

FOR FURTHER INFORMATION CONTACT: Eric Garfinkel, Chief Counsel for China Trade, (202) 395-3150, Terry McCartin, (202) 395-3900, Deputy Assistant USTR for China Affairs, (202) 395-3900, or Jean Kemp, Director, Steel Trade Policy, (202) 395-5656 for questions concerning the issues in the investigation; William Busis, Deputy Assistant USTR for Monitoring and Enforcement and Chair of the Section 301 Committee, (202) 395-3150, for questions concerning procedures under Section 301; or Gwendolyn Diggs, Staff Assistant to the Section 301 Committee, (202) 395-5830, for questions concerning procedures for filing submissions in response to this notice.

SUPPLEMENTARY INFORMATION:

A. USW Petition

On September 9, 2010, the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO CLC filed a petition under Section 302 of the Trade Act addressed to China’s acts, policies, and practices affecting trade and investment in green technologies. The text of the petition has been posted on <http://www.ustr.gov>, under “Enforcement.”

The petition defines products of green technology “as products used to produce renewable energy or reduce the emissions associated with the production and use of energy. These are the products necessary to produce energy from wind, solar, biomass, geothermal, hydro, and nuclear resources, products to enable the production of energy from coal with fewer greenhouse gas emissions, and products that consume less energy or alternative sources of energy, such as energy-efficient vehicles and energy-efficient lighting.” The petition also covers “a wide range of upstream inputs to green technology products.”

The petition alleges that China “employs a wide range of policies to stimulate and protect its domestic producers of green technology, from wind and solar energy products to advanced batteries and energy-efficient vehicles,” enabling China to become the dominant global supplier of a number of green technologies. The petition alleges that China’s acts, policies, and practices in the area of green technology violate China’s WTO commitments under the GATT 1994, under the Subsidies and Countervailing Measures Agreement (“SCM Agreement”), and under China’s Protocol of Accession to the WTO.

These acts, policies, and practices are export restraints such as export duties and export quotas on rare earth minerals, tungsten, and antimony; allegedly prohibited subsidies that are contingent on export performance, or on the use of domestic over imported goods, affecting a variety of products, including wind turbines; discrimination against foreign companies and goods, including with respect to wind and solar power projects; technology transfer as a requirement for approval of foreign investments in China; and domestic subsidy programs that are allegedly causing serious prejudice to U.S. interests, including subsidies supporting renewable energy industries.

The petition alleges that the acts, policies, and, practices covered in the petition, in aggregate, have caused the annual U.S. trade deficit with China in green technology goods to increase by more than two billion dollars since China joined the WTO. The petition alleges that U.S. exports to China in the sector have grown only modestly, while U.S. imports from China in the sector are nearly five times higher than they were in 2001. As a result, the petition alleges, China is now the top contributor to the U.S. global trade deficit in the sector.

B. Initiation of Investigation

The Trade Representative has determined to initiate an investigation under section 302(a) of the Trade Act with respect to the acts, policies, and practices of China identified in the petition. The investigation will consider whether these acts, policies, and practices deny U.S. rights or benefits under the GATT 1994, under the SCM Agreement, and under China's Protocol of Accession to the WTO.

C. Delay of Request for Consultations

Section 303(a) of the Trade Act provides that on the date on which an investigation is initiated under section 302, the Trade Representative shall request consultations with the foreign country concerned regarding the issues involved in such investigation. Section 303(b) provides that the Trade Representative, after consulting with the petitioner, may delay for up to 90 days any request for consultations under section 303(a) for the purpose of verifying or improving the petition to ensure an adequate basis for consultation. Because the issues covered in the investigation involve U.S. rights under the WTO Agreement, any consultation request will be made under the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), and unless

consultations result in a mutually acceptable resolution, the Trade Representative will request the establishment of a WTO panel under the DSU.

In light of the number and diversity of the acts, policies, and practices covered by the petition, and after consulting with the petitioner, the Trade Representative has decided to delay for up to 90 days the request for consultations with the Government of China for the purpose of verifying and improving the petition. During the period of delay provided for under section 303(b), the Trade Representative will seek information and advice from the petitioner and the appropriate committees established pursuant to section 135 of the Trade Act. The Trade Representative will take account of this information and advice, as well as the public comments submitted in response to this notice, in improving and verifying the petition during the delay period.

D. Public Comments

Interested persons are invited to submit written comments concerning the issues covered in this investigation, including with respect to: (i) The acts, policies, and practices of China that are the subject of this investigation; (ii) whether these acts, policies, and practices deny U.S. rights or benefits under the WTO Agreement; and (iii) the amount of burden or restriction on U.S. commerce caused by these acts, policies, and practices.

Interested persons may submit public comments electronically to <http://www.regulations.gov>, docket number USTR-2010-0028. If you are unable to provide submissions by <http://www.regulations.gov>, please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission.

Interested persons may request a public hearing on these matters. Any request for a public hearing should be made by no later than 5 p.m. on November 1, 2010. In the event a hearing is to be held, USTR will issue a notice specifying the date of the hearing and the procedures for submitting written testimony.

To submit comments via <http://www.regulations.gov>, enter docket number USTR-2010-0028 on the home page and click "Search." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type." Click on the reference to this notice, and then click "Submit Comment." The [http://](http://www.regulations.gov)

www.regulations.gov site provides the option of submitting comments by filling in a "Type Comment & Upload File" field, or by attaching a document. Given the detailed nature of the comments sought by USTR, interested persons are requested to provide their comments in an attached document. If a document is attached, it is sufficient to type "See attached" in the "Type Comment & Upload File" field.

A submitter requesting that information contained in a comment be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395-3640. A non-confidential summary of the business confidential information must be submitted to <http://www.regulations.gov>. The non-confidential summary will be placed in the docket and open to public inspection.

USTR may determine that information or advice contained in a comment submitted, other than business confidential information, is nonetheless confidential. If the submitter believes that information or advice may qualify as such, the submitter—

1. Must clearly so designate the information or advice;
2. Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and
3. Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax to Sandy McKinzy at (202) 395-3640. A non-confidential summary of the confidential information must be submitted to <http://www.regulations.gov> or by fax. The non-confidential summary will be placed in the docket and open to public inspection.

Comments will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15 or information determined by USTR to be confidential. Comments open to public inspection may be viewed on [http://](http://www.regulations.gov)

www.regulations.gov, under Docket No. USTR-2010-0028.

William Busis,

Chair, Section 301 Committee.

[FR Doc. 2010-26401 Filed 10-19-10; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments on Negotiating Objectives With Respect to Malaysia's Participation in the Proposed Trans- Pacific Partnership Trade Agreement

AGENCY: Office of the United States
Trade Representative (USTR)

ACTION: Request for comments on
negotiating objectives with respect to
Malaysia's participation in the ongoing
negotiations of a Trans-Pacific
Partnership (TPP) trade agreement, and
notice of public hearing.

SUMMARY: The United States intends to
commence negotiations with Malaysia
as part of the ongoing negotiations of a
TPP trade agreement. Including
Malaysia in the TPP negotiations
further the objective of achieving a
high-standard, broad-based Asia-Pacific
regional agreement. USTR is seeking
public comments on all elements related
to Malaysia's participation in the TPP
negotiations in order to develop U.S.
negotiating positions.

DATES: Persons wishing to testify orally
at the hearing must provide written
notification of their intention, as well as
their testimony, by November 10, 2010.
A hearing will be held in Washington,
DC, on November 19, 2010. Written
comments are due by noon, November
22, 2010.

ADDRESSES: *Submissions via on-line:*
<http://www.regulations.gov>. For
alternatives to on-line submissions
please contact Gloria Blue, Executive
Secretary, Trade Policy Staff Committee
(TPSC), at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For
procedural questions concerning written
comments, please contact Gloria Blue at
the above number. Questions regarding
the environmental review of the TPP
trade agreement should be directed to
David Brooks, Environment and Natural
Resources Section, USTR, at (202) 395-
7320. All other questions regarding the
TPP trade agreement should be directed
to David Bisbee, Deputy Assistant USTR
for Southeast Asia and the Pacific, at
(202) 395-6813.

SUPPLEMENTARY INFORMATION:

1. Background

On October 5, 2010, after having
consulted with relevant Congressional
committees and reached consensus on
Malaysia's participation with the other
TPP negotiating partners (Australia,
Brunei Darussalam, Chile, New Zealand,
Peru, Singapore and Vietnam), the
USTR informed Congress that the
President intends to commence
negotiations with Malaysia in the
context of the ongoing negotiations of
the TPP. The objective of this
negotiation is to achieve a high-
standard, 21st century agreement with a
membership and coverage that provides
economically significant market access
opportunities for America's workers,
farmers, ranchers, service providers, and
small businesses. The addition of
Malaysia to the initial group of TPP
negotiating partners will contribute
meaningfully to the achievement of
these goals.

In addition, under the Trade Act of
1974, as amended (19 U.S.C. 2151,
2153), in the case of an agreement such
as the proposed TPP trade agreement,
the President must (i) afford interested
persons an opportunity to present their
views regarding any matter relevant to
the proposed agreement, (ii) designate
an agency or inter-agency committee to
hold a public hearing regarding the
proposed agreement, and (iii) seek the
advice of the U.S. International Trade
Commission (ITC) regarding the
probable economic effects on U.S.
industries and consumers of the
removal of tariffs and non-tariff barriers
on imports pursuant to the proposed
agreement.

USTR intends to hold a public
hearing on matters related to Malaysia's
participation in the TPP negotiations on
November 19, 2010. In addition, USTR
has requested the ITC to provide advice
to USTR on the probable economic
effects of including Malaysia in a TPP
agreement.

2. Public Comments

To assist USTR as it develops its
negotiating objectives for the agreement,
the TPSC Chair invites interested parties
to submit written comments and/or oral
testimony at a public hearing on matters
relevant to Malaysia's participation in
the TPP negotiations. Comments and
testimony may address the reduction or
elimination of tariffs or non-tariff
barriers on any articles provided for in
the Harmonized Tariff Schedule of the
United States (HTSUS) that are products
of Malaysia, any concession that should
be sought by the United States, or any
other matter relevant to the inclusion of
Malaysia in the proposed TPP

agreement. The TPSC Chair invites
comments on all of these matters and,
in particular, seeks comments addressed
to:

(a) General and product-specific
negotiating objectives for Malaysia in
the context of this proposed regional
agreement.

(b) Economic costs and benefits to
U.S. producers and consumers of
removal of tariffs and removal or
reduction in non-tariff barriers on
articles traded with Malaysia.

(c) Treatment of specific goods
(described by HTSUS numbers) under
the proposed regional agreement,
including comments on—

(1) Product-specific import or export
interests or barriers,

(2) experience with particular
measures that should be addressed in
the negotiations, and

(3) approach to tariff negotiations,
including recommended staging and
ways to address export priorities and
import sensitivities related to Malaysia
in the context of this regional
agreement.

(d) Adequacy of existing customs
measures to ensure that qualifying
imported goods from TPP countries,
including Malaysia, receive preferential
treatment, and appropriate rules of
origin for goods entering the United
States under the proposed regional
agreement.

(e) Existing sanitary and
phytosanitary measures and technical
barriers to trade imposed by Malaysia
that should be addressed in the
negotiations.

(f) Existing barriers to trade in
services between the United States and
Malaysia that should be addressed in
the negotiations.

(g) Relevant electronic commerce
issues that should be addressed in the
negotiations.

(h) Relevant trade-related intellectual
property rights issues that should be
addressed in the negotiations.

(i) Relevant investment issues that
should be addressed in the negotiations.

(j) Relevant competition-related
matters that should be addressed in the
negotiations.

(k) Relevant government procurement
issues that should be addressed in the
negotiations.

(l) Relevant environmental issues that
should be addressed in the negotiations.

(m) Relevant labor issues that should
be addressed in the negotiations.

In addition to the matters described
above, USTR is addressing new and
emerging issues in this proposed
regional agreement. Specifically, USTR
is considering new approaches designed
to promote innovation and