

recommended for consideration by the Radiation Source Protection and Security Task Force and by the NAS, referenced above.

Both reports recognize the important role that devices, containing such sources, fulfill in serving public health, research and instrument calibration at the present time. But the reports also considered the potential risks associated with these sources and, consequently, recommended phasing out their future use. NRC has not made any decision in this regard, but as a follow-up to the recommendations, NRC is seeking additional information that would provide relevant information for its decisionmaking process.

In considering Issue No. 3, possible phase-out of CsCl sources, there are four main issues that should be considered and discussed: Issue 3.1: Potential rulemaking issues and justification for regulatory change; Issue 3.2: Transportation and storage issues associated with removal of CsCl sources from licensee facilities; Issue 3.3: Consideration of government incentives and voluntary actions by industry and manufacturers; and Issue 3.4: Impact of U.S. changes to regulating CsCl on the international community. Each of these issues are presented below.

Issue No. 3.1: Potential Rulemaking Issues and Justification for Regulatory Change

Q3.1-1. (a) What would be the medical consequences if CsCl was to be banned for medical (e.g., blood) irradiators? (b) What would be the impact to existing and future biomedical research using these devices? (c) Can alternative technologies be used for medical applications and/or biomedical research (research on animals and tissue?)

Q3.1-2. (a) What would be the consequences if CsCl was to be banned for irradiators that are used for industrial and calibration purposes? (b) What is the impact on existing American National Standards Institute (ANSI) standards and licensee conditions that require the use of Cs-137 for calibration purposes?

Q3.1-3. What would be the economic consequences to users if CsCl was to be banned?

Q3.1-4. What would be the economic consequences to vendors if CsCl was to be banned?

Q3.1-5. (a) Should the NRC discontinue all new licensing and importation of these sources and devices? (b) What is the regulatory basis? (c) Who (NRC, DHS, or jointly) should conduct the risk analysis?

Issue No. 3.2: Transportation and Storage Issues Associated With Removal of CsCl Sources From Licensee Facilities

Q3.2-1. (a) Are there transportation packages available for transportation? (a) Who should bear the transportation costs?

Q3.2-2. (a) How could the current CsCl sources be disposed given that CsCl is defined as a "Greater Than Class C" source and currently has no disposal mechanism in the U.S.? (b) If disposal was made available by DOE, what would be the cost of disposal?

Q3.2-3. (a) Where could the decommissioned sources be stored? (b) What disposition options are needed in the United States?

Issue No. 3.3: Consideration of Government Incentives and Voluntary Actions by Industry and Manufacturers

Q3.3-1. Should the Federal government issue incentives to implement replacements?

Q3.3-2. (a) Are there feasible incentives to shift users away from radioactive CsCl for users? (b) Manufacturers?

Q3.3-3. (a) What incentives should the Federal government provide to licensees to decommission their existing sources or devices because the devices still have use value? (b) For licensees that are defined as "not-for-profit" (e.g., hospitals), what type of incentives could be made available to change technologies?

Q3.3-4. How can the Federal government compensate licensees when they are forced to decommission these sources? Should compensation include the cost of the replacement technology? Decommissioning?

Issue No. 3.4: Impact of Potential U.S. Changes to Regulating CsCl on the International Community

Q3.4-1. How can the U.S. prevent recovered sources from decommissioned devices (or the devices themselves) from being sold outside the U.S.?

Q3.4-2. (a) If the U.S. decides to ban the use of CsCl sources, should the U.S. have a position in denying or eliminating after-market sales of CsCl irradiators outside the U.S.? (b) Would this be potentially denying medical care to developing countries?

Q3.4-3. What should the role of the International Atomic Energy Agency (IAEA) be in assisting the U.S. in ensuring the safe and secure use of CsCl sources and devices?

Issue No. 4—Additional Requirements for Enhanced Security of CsCl Sources

In considering Issue No. 4, additional requirements for enhanced security of CsCl sources, there are three main issues that should be considered and discussed:

Q4.1. Should the NRC and Agreement States require more stringent security measures than those currently mandated (e.g., should additional requirements be implemented for IAEA Category 1 and 2 sources)?

Note: The current requirements for increased security of certain high-risk radioactive sources in the U.S. are: (a) Compensatory Measures for panoramic irradiators; (b) Additional Security Measures for manufacturers and distributors; (c) Increased Controls for licensees with Category 1 and 2 devices and sources; (d) Fingerprinting for access to radioactive material (see <http://www.nrc.gov/security/byproduct/orders.html>).

Q4.2. Should the NRC and Agreement States require more stringent security measures for lower than Category 2 CsCl sources and devices (e.g., Category 3 sources)?

Q4.3. Would additional security requirements for CsCl create a disincentive for owning them?

Issue No. 5—Role of Risk Analysis in Potential Future CsCl Requirements

In considering Issue No. 5, the role of risk analysis in NRC and Agreement State requirements for CsCl, the main issues that should be considered and discussed:

Q5.1. (a) How should the NRC determine the economic and social disruptions/impacts to the public, licensees, and the environment? (b) How should these factors be measured in decision making?

Dated at Rockville, Maryland, this 24th day of July 2008.

For the Nuclear Regulatory Commission,
John P. Jankovich,
Team Leader, Office of Federal and State Materials and Environmental Management Programs.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments and Notice of Public Hearing Concerning China's Compliance With WTO Commitments

AGENCY: Office of the United States Trade Representative.

ACTION: Request for comments and notice of public hearing concerning

China's compliance with its WTO commitments.

SUMMARY: The interagency Trade Policy Staff Committee (TPSC) will convene a public hearing and seek public comment to assist the Office of the United States Trade Representative (USTR) in the preparation of its annual report to the Congress on China's compliance with the commitments made in connection with its accession to the World Trade Organization (WTO).

DATES: Persons wishing to testify at the hearing must provide written notification of their intention, as well as a copy of their testimony, by noon, Thursday, September 18, 2008. Written comments are due by noon, Monday, September 22, 2008. A hearing will be held in Washington, DC, on Thursday, October 2, 2008.

ADDRESSES: *Submissions by electronic mail:* FR0810@ustr.eop.gov.

Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, (202) 395-6143. The public is strongly encouraged to submit documents electronically rather than by facsimile. (See requirements for submissions below.)

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments or participation in the public hearing, contact Gloria Blue, (202) 395-3475. All other questions should be directed to Terrence J. McCartin, Deputy Assistant United States Trade Representative for China Enforcement, (202) 395-3900, or Claire E. Reade, Chief Counsel for China Trade Enforcement, (202) 395-9625.

SUPPLEMENTARY INFORMATION:

1. Background

China became a Member of the WTO on December 11, 2001. In accordance with section 421 of the U.S.-China Relations Act of 2000 (Pub. L. 106-286), USTR is required to submit, by December 11 of each year, a report to Congress on China's compliance with commitments made in connection with its accession to the WTO, including both multilateral commitments and any bilateral commitments made to the United States. In accordance with section 421, and to assist it in preparing this year's report, the TPSC is hereby soliciting public comment. Last year's report is available on USTR's Internet Web site (at http://www.ustr.gov/World_Regions/North_Asia/China/Section_Index.html).

The terms of China's accession to the WTO are contained in the Protocol on the Accession of the People's Republic

of China (including its annexes) (Protocol), the Report of the Working Party on the Accession of China (Working Party Report), and the WTO agreements. The Protocol and Working Party Report can be found on the Department of Commerce Web page, <http://www.mac.doc.gov/China/WTOAccessionPackage.htm>, or on the WTO Web site, <http://docsonline.wto.org> (document symbols: WT/L/432, WT/MIN(01)/3, WT/MIN(01)/3/Add.1, WT/MIN(01)/3/Add.2).

2. Public Comment and Hearing

USTR invites written comments and/or oral testimony of interested persons on China's compliance with commitments made in connection with its accession to the WTO, including, but not limited to, commitments in the following areas: (a) Trading rights; (b) import regulation (e.g., tariffs, tariff-rate quotas, quotas, import licenses); (c) export regulation; (d) internal policies affecting trade (e.g., subsidies, standards and technical regulations, sanitary and phytosanitary measures, government procurement, trade-related investment measures, taxes and charges levied on imports and exports); (e) intellectual property rights (including intellectual property rights enforcement); (f) services; (g) rule of law issues (e.g., transparency, judicial review, uniform administration of laws and regulations) and status of legal reform; and (h) other WTO commitments. In addition, given the Administration's view that China should be held accountable as a full participant in, and beneficiary of, the international trading system (see "U.S.-China Trade Relations: Entering a New Phase of Greater Accountability and Enforcement," issued by USTR in February 2006, http://www.ustr.gov/World_Regions/North_Asia/China/2006_Top-to-Bottom_Review/Section_Index.html), USTR requests that interested persons also specifically identify unresolved compliance issues that warrant review and evaluation by USTR's China Enforcement Task Force.

Written comments must be received no later than noon, Monday, September 22, 2008.

A hearing will be held on Thursday, October 2, 2008, in Room 1, 1724 F Street, NW., Washington, DC 20508. If necessary, the hearing will continue on the next day.

Persons wishing to testify orally at the hearing must provide written notification of their intention by noon, Thursday, September 18, 2008. The notification should include: (1) The name, address, and telephone number of the person presenting the testimony;

and (2) a short (one or two paragraph) summary of the presentation, including the commitments at issue and, as applicable, the product(s) (with HTSUS numbers), service sector(s), or other subjects to be discussed. A copy of the testimony must accompany the notification. Remarks at the hearing should be limited to no more than five minutes to allow for possible questions from the TPSC.

All documents should be submitted in accordance with the instructions in section 3 below.

3. Requirements for Submissions

In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event that an e-mail submission is impossible, submissions should be made by facsimile.

Persons making submissions by e-mail should use the following subject line: "China WTO" followed by (as appropriate) "Written Comments," "Notice of Testimony," or "Testimony." Documents should be submitted as either Adobe PDF, WordPerfect, MSWord, or text (.TXT) files. Supporting documentation submitted as spreadsheets is acceptable as Quattro Pro or Excel. For any document containing business confidential information submitted electronically, the file name of the business confidential version should begin with the characters "BC-", and the file name of the public version should begin with the characters "P-". The "P-" or "BC-" should be followed by the name of the submitter. Persons who make submissions by e-mail should not provide separate cover letters; information that might appear in a cover letter should be included in the submission itself. Similarly, to the extent possible, any attachments to the submission should be included in the same file as the submission itself, and not as separate files.

Written comments, notices of testimony, and testimony will be placed in a file open to public inspection pursuant to 15 CFR 2003.5, except for confidential business information exempt from public inspection in accordance with 15 CFR 2003.6. Confidential business information submitted in accordance with 15 CFR 2003.6 must be clearly marked "BUSINESS CONFIDENTIAL" at the top of each page, including any cover letter or cover page, and must be accompanied by a nonconfidential summary of the confidential information. All public documents and nonconfidential summaries shall be available for public

inspection in the USTR Reading Room. The USTR Reading Room is open to the public, by appointment only, from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday. An appointment to review the file may be made by calling (202) 395-6186. Appointments must be scheduled at least 48 hours in advance.

General information concerning USTR may be obtained by accessing its Internet Web site (<http://www.ustr.gov>).

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comment With Respect to the Annual National Trade Estimate Report on Foreign Trade Barriers

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Pursuant to section 303 of the Trade and Tariff Act of 1984, as amended, USTR is required to publish annually the National Trade Estimate Report on Foreign Trade Barriers (NTE). With this notice, the Trade Policy Staff Committee (TPSC) is requesting interested parties to assist it in identifying significant barriers to U.S. exports of goods, services and overseas direct investment for inclusion in the NTE. Particularly important are impediments materially affecting the actual and potential financial performance of an industry sector. The TPSC invites written comments that provide views relevant to the issues to be examined in preparing the NTE.

DATES: Public comments are due not later than Thursday, November 6, 2008.

ADDRESSES: *Submissions by electronic mail:* FR0717@USTR.EOP.GOV.

Submissions by facsimile: Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative (202-395-6143). The public is strongly encouraged to submit documents electronically rather than by facsimile. (See requirements for submissions below.)

FOR FURTHER INFORMATION CONTACT:

Questions regarding the report, its subject matter or procedural questions concerning submissions should be directed to Ms. Gloria Blue, Office of Policy Coordination, Office of the United States Trade Representative (202-395-3475).

SUPPLEMENTARY INFORMATION: Last year's report may be found on USTR's Internet Home Page (<http://www.ustr.gov>) in the Document Library under the section on Reports. In order to ensure compliance with the statutory mandate for reporting foreign trade barriers that are significant, we will focus particularly on those restrictions where there has been active private sector interest.

The information submitted should relate to one or more of the following ten categories of foreign trade barriers:

(1) Import policies (*e.g.*, tariffs and other import charges, quantitative restrictions, import licensing, and customs barriers);

(2) Standards, testing, labeling, and certification (including unnecessarily restrictive application of phytosanitary standards, refusal to accept U.S. manufacturers' self-certification of conformance to foreign product standards, and environmental restrictions);

(3) Government procurement (*e.g.*, "buy national" policies and closed bidding);

(4) Export subsidies (*e.g.*, export financing on preferential terms and agricultural export subsidies that displace U.S. exports in third country markets);

(5) Lack of intellectual property protection (*e.g.*, inadequate patent, copyright, and trademark regimes);

(6) Services barriers (*e.g.*, limits on the range of financial services offered by foreign financial institutions, regulation of international data flows, restrictions on the use of data processing, quotas on imports of foreign films, and barriers to the provision of services by professionals (*e.g.*, lawyers, doctors, accountants, engineers, nurses, etc.);

(7) Investment barriers (*e.g.*, limitations on foreign equity participation and on access to foreign government-funded R&D consortia, local content, technology transfer and export performance requirements, and restrictions on repatriation of earnings, capital, fees and royalties);

(8) Anticompetitive practices with trade effects tolerated by foreign governments (including anticompetitive activities of both state-owned and private firms that apply to services or to goods and that restrict the sale of U.S. products to any firm, not just to foreign firms);

(9) Trade restrictions affecting electronic commerce (*e.g.*, tariff and non-tariff measures, burdensome and discriminatory regulations and standards, and discriminatory taxation); and

(10) Other barriers (*i.e.*, barriers that encompass more than one category, *e.g.*,

bribery and corruption, or that affect a single sector).

As in the case of last year's NTE, we are asking that particular emphasis be placed on any practices that may violate U.S. trade agreements. We are also interested in receiving any new or updated information pertinent to the barriers covered in last year's report as well as new information. Please note that the information not used in the NTE will be maintained for use in future negotiations.

It is most important that your submission contain estimates of the potential increase in exports that would result from the removal of the barrier, as well as a clear discussion of the method(s) by which the estimates were computed. Estimates should fall within the following value ranges: Less than \$5 million; \$5 to \$25 million; \$25 million to \$50 million; \$50 million to \$100 million; \$100 million to \$500 million; or over \$500 million. Such assessments enhance USTR's ability to conduct meaningful comparative analyses of a barrier's effect over a range of industries.

Please note that interested parties discussing barriers in more than one country should, whenever possible, provide a separate submission (*i.e.*, one that is self-contained) for each country with the country indicated in the subject line of each submission. If separate, country-specific submissions are not feasible, please identify all countries covered by a submission in the subject line of that submission.

Requirements for Submissions: In order to facilitate prompt processing of submissions, USTR strongly urges and prefers electronic (e-mail) submissions in response to this notice. In the event an e-mail submission is impossible, submissions should be made by facsimile. Facsimile submissions should not exceed a maximum of 20 pages.

E-mail submissions should be single copy transmissions in English. Submissions should use the following subject line: "2009 National Trade Estimate Report—Submission by (sector, company, association). Documents must be submitted as either WordPerfect ("WPD"), MSWord ("DOC"), or text ("TXT") file. Documents should not be submitted as electronic image files or contain imbedded images (for example, "JPG", "BMP", or "GIF"), as these types of files are generally excessively large. Supporting Documentation submitted as spreadsheets is acceptable as Quattro Pro or Excel, pre-formatted for printing on 8½ x 11 inch paper. To the extent possible, any data attachments to the submission should be included in the