

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](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]

**BILLING CODE 4710-10-P**

## 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](http://www.regulations.gov), docket number USTR-2010-0028. If you are unable to provide submissions by [www.regulations.gov](http://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](http://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 furthers 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