

entity submitting the comments. Electronic submissions should not attach separate cover letters; rather, information that might appear in a cover letter should be included in the comments you submit. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments to a submission in the same file as the submission itself and not as separate files.

We strongly urge submitters to use electronic filing. If an on-line submission is impossible, alternative arrangements must be made with Ms. Newport prior to delivery for the receipt of such submissions. Ms. Newport may be contacted at (202) 395-3475.

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

Donald W. Eiss,

Acting Chair, Trade Policy Staff Committee.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments To Compile the National Trade Estimate Report on Foreign Trade Barriers and Report on Sanitary and Phytosanitary and Standards-Related Foreign Trade Barriers

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: Pursuant to section 181 of the Trade Act of 1974, as amended (19 U.S.C. 2241), the Office of the United States Trade Representative (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 persons to submit comments to assist it in identifying significant barriers to U.S. exports of goods, services, and U.S. foreign direct investment for inclusion in the NTE.

Once again, the TPSC is requesting that comments on standards-related measures and sanitary and phytosanitary (SPS) measures that create barriers to U.S. exports be submitted separately from other NTE comments. This will assist USTR in updating two reports issued in 2011 in conjunction with the release of the NTE highlighting SPS and standards-related measures that may be inconsistent with international trade agreements to which the United States is a party or that otherwise act as significant barriers to

U.S. exports. These reports were published as the 2011 Report on Sanitary and Phytosanitary Measures (2011 SPS Report) and the 2011 Report on Technical Barriers to Trade (2011 TBT Report) respectively.

The TPSC invites written comments from the public on issues that USTR should examine in preparing the NTE and the reports on SPS and standards-related measures.

DATES: Public comments are due not later than October 4, 2011.

ADDRESSES: Submissions should be made via the Internet at <http://www.regulations.gov> under the following docket (based on the subject matter of the submission):

SPS Measures: USTR-2011-0006.

Standards-Related Measures: USTR-2011-0007.

All Other Measures: USTR-USTR-2011-0008.

For alternatives to on-line submissions please contact Laura Newport at USTR (202-395-3475). The public is strongly encouraged to file submissions electronically rather than by facsimile or mail.

FOR FURTHER INFORMATION CONTACT:

Questions regarding the NTE or on submitting comments in response to this notice should be directed to Laura Newport at (202) 395-3475. Questions regarding the SPS report or substantive questions concerning comments on SPS measures should be directed to Jane Doherty, Director of Sanitary and Phytosanitary Affairs, USTR (202-395-6127). Questions regarding the report on standards-related measures or substantive questions concerning comments on those measures should be directed to Jeff Weiss, Senior Director, Technical Barriers to Trade, USTR (202-395-4498).

SUPPLEMENTARY INFORMATION: The NTE sets out an inventory of the most important foreign barriers affecting U.S. exports of goods and services, U.S. foreign direct investment, and protection of intellectual property rights. The inventory facilitates U.S. negotiations aimed at reducing or eliminating these barriers. The report also provides a valuable tool in enforcing U.S. trade laws and strengthening the rules-based trading system. The 2011 NTE, SPS, and TBT Reports may be found on USTR's Internet Home Page (<http://www.ustr.gov>) under the tab "Reports".

To ensure compliance with the NTE's statutory mandate and the Obama Administration's commitment to focus on the most significant foreign trade barriers, USTR will be guided by the existence of active private sector interest

in deciding which restrictions to include in the NTE and the reports on SPS and standards-related measures.

Topics on which the TPSC Seeks Information: To assist USTR in preparing the NTE and the reports on SPS and standards-related measures, commenters should submit information related to one or more of the following categories of foreign trade barriers:

- (1) Import policies (e.g., tariffs and other import charges, quantitative restrictions, import licensing, and customs barriers);
- (2) SPS measures;
- (3) Standards-related measures (including standards, technical regulations, and conformity assessment procedures);
- (4) Government procurement restrictions (e.g., "buy national policies" and closed bidding);
- (5) Export subsidies (e.g., export financing on preferential terms and agricultural export subsidies that displace U.S. exports in third country markets);
- (6) Lack of intellectual property protection (e.g., inadequate patent, copyright, and trademark regimes);
- (7) 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);
- (8) 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);
- (9) Government-tolerated anticompetitive conduct of state-owned or private firms that restricts the sale or purchase of U.S. goods or services in the foreign country's markets;
- (10) Trade restrictions affecting electronic commerce (e.g., tariff and non-tariff measures, burdensome and discriminatory regulations and standards, and discriminatory taxation); and

(11) Other barriers (e.g., barriers that encompass more than one category, such as bribery and corruption, or that affect a single sector).

Reports on SPS and Standards-Related Measures: On March 30, 2011, USTR published two reports in conjunction with the release of the NTE focusing on foreign trade barriers—one on SPS measures and the other on standards-related measures. These reports serve as tools to bring greater

attention and focus to resolving SPS and standards-related measures that may be inconsistent with international trade agreements to which the United States is a party or that otherwise act as significant foreign barriers to U.S. exports. USTR plans to use comments on SPS and standards-related measures (items 2 and 3 in the list above) submitted pursuant to this notice in producing these two reports once again. To help USTR identify SPS and standards-related measures to include in the reports, comments concerning those measures should be submitted separately from those addressing other foreign trade barriers. (See below).

The following information describing SPS and standards-related measures may help commenters to file submissions on particular foreign trade barriers under the appropriate docket.

SPS Measures: Generally, SPS measures are measures applied to protect the life or health of humans, animals, and plants from risks arising from additives, contaminants, pests, toxins, diseases, or disease-carrying and causing organisms. SPS measures can take such forms as specific product or processing standards, requirements for products to be produced in disease-free areas, quarantine regulations, certification or inspection procedures, sampling and testing requirements, health-related labeling measures, maximum permissible pesticide residue levels, and prohibitions on certain food additives.

Standards-Related Measures: Standards-related measures comprise standards, technical regulations, and conformity assessment procedures, such as mandatory process or design standards, labeling or registration requirements, and testing or certification procedures. Standards-related measures can be applied not only to industrial products but to agricultural products as well, such as food nutrition labeling schemes and food quality or identity requirements.

For further information on SPS and standards-related measures and additional detail on the types of comments that would assist USTR in identifying and addressing significant trade-restrictive SPS and standards-related measures, please see "Supporting & Related Materials" under dockets USTR-USTR-2011-0006 and USTR-USTR-2011-0007 at <http://www.regulations.gov>. The 2011 SPS and TBT Reports also contain extensive information on SPS and standards-related measures that commenters may find useful in preparing comments in response to this notice.

In responding to this notice with respect to any of the three reports, commenters should place particular emphasis on any practices that may violate U.S. trade agreements. The TPSC is also interested in receiving new or updated information pertinent to the barriers covered in the 2011 NTE and the reports on SPS and standards-related measures as well as information on new barriers. If USTR does not include in the NTE or the reports on SPS and standards-related measures information that it receives pursuant to this notice, it will maintain the information for potential use in future discussions or negotiations with trading partners.

Estimate of Increase in Exports: Each comment should include an estimate of the potential increase in U.S. exports that would result from removing any foreign trade barrier the comment identifies, as well as a description of the methodology the commenter used to derive the estimate. Estimates should be expressed 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. These estimates will help USTR conduct comparative analyses of a barrier's effect over a range of industries.

Requirements for Submissions: Commenters providing information on foreign trade barriers in more than one country should, whenever possible, provide a separate submission for each country. Comments addressing SPS or standards-related measures should be submitted separately from comments on other trade barriers.

In order to ensure the timely receipt and consideration of comments, USTR strongly encourages commenters to make on-line submissions, using the <http://www.regulations.gov> Web site. Comments should be submitted under one of the following dockets (depending on the subject of the comment):

SPS Measures: USTR-USTR-2011-0006.

Standards-Related Measures: USTR-2011-0007.

All Other Measures: USTR-2011-0008.

To find these dockets, enter the pertinent docket number in the "Enter Keyword or ID" window at the <http://www.regulations.gov> home page and click "Search." The site will provide a search-results page listing all documents associated with that docket number. Find a reference to this notice by selecting "Notices" under "Document Type" on the search-results page, and click on the link entitled "Submit a

Comment." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on the "Help" tab.)

The <http://www.regulations.gov> Web site provides the option of making submissions by filling in a comments field, or by attaching a document. USTR prefers submissions to be provided in an attached document. If a document is attached, please identify the name of the country to which the submission pertains in the "Comments" field. For example: "See attached comment for (name of country)". If the comment is related to SPS or standards-related measures, type "See attached comment on SPS measures for (name of country)" or "See attached comment on standards-related measures for (name of country)". USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission is in an application other than those two, please indicate the name of the application in the "Comments" field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". The top of any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL". Any person filing comments that contain business confidential information must also file in a separate submission a public version of the comments. The file name of the public version of the comments should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments. If a comment contains no business confidential information, the file name should begin with the character "P", followed by the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

Public inspection of submissions: 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. Comments may be viewed on the <http://www.regulations.gov> Web site by entering the relevant docket

number in the search field on the home page.

Donald W. Eiss,

Acting Chair, Trade Policy Staff Committee.

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DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

[Docket No. DOT-OST-2011-0107]

Notice of Funding Availability for the Department of Transportation's National Infrastructure Investments Under the Full-Year Continuing Appropriations, 2011; and Request for Comments

AGENCY: Office of the Secretary of Transportation, DOT.

ACTION: Notice of Funding Availability, Request for Comments.

SUMMARY: This notice announces the availability of funding and requests proposals for the Department of Transportation's National Infrastructure Investments. In addition, this notice announces selection criteria and pre-application and application requirements for the National Infrastructure Investments.

On July 1, 2011 the Department of Transportation published an interim notice announcing the availability of funding for the Department of Transportation's National Infrastructure Investments, or "TIGER Discretionary Grants," project selection criteria and pre-application and application requirements for these grants. The interim notice also requested comments on the project selection criteria and pre-application and application requirements. The Department considered the comments that were submitted in accordance with the interim notice and decided to make no substantive revisions to the interim notice based on those comments. However, the Department has decided to make minor revisions to the interim notice, to provide additional information to potential applicants on the project readiness characteristics that the Department considers when evaluating an application (see section I(b) and Appendix C). The Department has also updated the point-of-contact information for program staff that should be contacted with any questions regarding the application process for these grants.

On April 15, 2011, the President signed the Full-Year Continuing

Appropriations, 2011 (Div. B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-010, Apr. 15, 2011)) ("FY 2011 Continuing Appropriations Act"). The FY 2011 Continuing Appropriations Act appropriated \$526.944 million to be awarded by the Department of Transportation ("DOT") for National Infrastructure Investments. This appropriation is similar, but not identical to the appropriation for the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grant", program authorized and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), and the National Infrastructure Investments or "TIGER II Discretionary Grant" program under the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 ("FY 2010 Appropriations Act"). Because of the similarity in program structure, DOT has referred to the grants for National Infrastructure Investments under the FY 2010 Appropriations Act as "TIGER II Discretionary Grants". Given that funds have now been appropriated for these similar programs in three separate statutes, DOT is referring to the grants for National Infrastructure Investments under the FY 2011 Continuing Appropriations Act simply as "TIGER Discretionary Grants." As with the TIGER and TIGER II programs, funds for the FY 2011 TIGER program are to be awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region. Through this notice, DOT is soliciting applications for TIGER Discretionary Grants.

In the event that this solicitation does not result in the award and obligation of all available funds, DOT may decide to publish an additional solicitation(s).

DATES: Pre-applications must be submitted by October 3, 2011, at 5 p.m. EDT (the "Pre-Application Deadline"). Final applications must be submitted through Grants.gov by October 31, 2011, at 5 p.m. EDT (the "Application Deadline"). The DOT pre-application system will open on or before September 9, 2011, to allow prospective applicants to submit pre-applications. Subsequently, the Grants.gov "Apply" function will open on October 5, 2011, allowing applicants to submit applications. While applicants are encouraged to submit pre-applications in advance of the Pre-Application Deadline, pre-applications will not be reviewed until after the pre-application deadline. Similarly, while applicants

are encouraged to submit applications in advance of the Application Deadline, applications will not be evaluated, and awards will not be made, until after the Application Deadline.

ADDRESSES: Pre-applications must be submitted electronically to DOT and applications must be submitted electronically through Grants.gov. Only pre-applications received by DOT and applications received through Grants.gov will be deemed properly filed. Instructions for submitting pre-applications to DOT and applications through Grants.gov are included in Section VII (*Pre-Application and Application Cycle*).

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice please contact the TIGER Discretionary Grant program staff via e-mail at TIGERGrants@dot.gov, or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications on DOT's Web site at <http://www.dot.gov/TIGER>.

SUPPLEMENTARY INFORMATION: This notice is substantially similar to the Final notice published for the TIGER II Discretionary Grant program in the **Federal Register** on June 1, 2010. However, there are a few significant differences that applicants should be aware of. These differences are as follows:

1. Unlike the FY 2010 Appropriations Act, the FY 2011 Continuing Appropriations Act does not provide any funding for projects solely for the planning, preparation, or design of capital projects ("TIGER Planning Grants"); however these activities may be eligible to the extent that they are part of an overall construction project that receives TIGER Discretionary Grants funding.

2. As specified in section VI of this notice, any applicant that is applying for a TIGER TIFIA Payment must also submit a TIFIA letter of interest along with their application.

3. As specified in section VII(A) of this notice, eligible applicants may submit, as a lead applicant, no more than three applications for consideration. However, multistate applications will not count towards the lead applicant's three application limit. Additionally, applicants may be identified as a partnering agency on the application of another lead applicant and such an application will not count towards a partnering applicant's three application limit as a lead applicant.