

preliminary determination that there is clear evidence that increased imports have caused or are threatening to cause serious injury to the domestic industry that produces like or directly competitive products.

(7) Article 6 of the Safeguards Agreement and Article XIX:2 of the GATT 1994 in that the EC took the Safeguard Measures in the absence of critical circumstances where delay would cause damage which it would be difficult to repair.

(8) Article 3 of the Safeguards Agreement, in that:

(a) The Safeguard Measures were not applied following an investigation by the competent authorities of the Member pursuant to procedures previously established and made public in consonance with Article X of the GATT 1994;

(b) The Safeguard Measures were not applied following an investigation which included reasonable public notice to all interested parties and public hearings or other appropriate means in which importers, exporters and other interested parties could present evidence and their views, including the opportunity to respond to the presentation of other parties and to submit their views, *inter alia*, as to whether or not the application of the Safeguard Measures would be in the public interest;

(c) The EC did not publish a report setting forth findings and reasoned conclusions reached on all pertinent issues of fact and law.

(9) Article 5.1 of the Safeguards Agreement, in that the Safeguard Measures were not applied by the EC only to the extent necessary to prevent or remedy serious injury and to facilitate adjustment.

(10) Article 12.1 of the Safeguards Agreement, in that the EC did not immediately notify the Committee on Safeguards upon:

(a) Initiating an investigation relating to serious injury or threat thereof and the reasons for it;

(b) Making a finding of serious injury or threat thereof caused by increased imports; and

(c) Taking a decision to apply or extend a safeguard measure.

(11) Article 12.4 of the Safeguards Agreement, in that the EC failed to make a notification to the Committee on Safeguards before taking the Safeguard Measures.

(12) Article 2.2 of the Safeguards Agreement and Article I of GATT 1994, in that the EC applied its Safeguard Measures to the goods of some WTO Members, while excluding the goods of other countries whose territories are not

part of a free trade area or a customs union and who are not developing country WTO Members.

(13) Articles 2.1, 4, 5.1 and 6 of the Safeguards Agreement and Article XIX of GATT 1994, in that there is a lack of parallelism between the products for which an increase in imports was claimed and the products on which the Safeguards Measures were imposed.

(14) Article XIX:1(a) of GATT 1994, in that there were no unforeseen developments, as a result of which a product is being imported in such increased quantities and under such conditions as to cause or threaten serious injury to domestic producers of the like or directly competitive products.

#### Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Persons submitting comments may either send one copy by U.S. mail, first class, postage prepaid, to Sandy McKinzy at the address listed above or transmit a copy electronically to [FR0038@ustr.gov](mailto:FR0038@ustr.gov), with "Dispute on EC Safeguard Measures on Steel" in the subject line. For documents sent by U.S. mail, USTR requests that the submitter provide a confirmation copy, either electronically or by fax to 202-395-3640. USTR encourages the submission of documents in Adobe PDF format, as attachments to an electronic mail. Interested persons who make submissions by electronic 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. A person requesting that information contained in a comment submitted by that person 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 marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy. Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 3, First Floor, Office of the United States Trade Representative, 1724 F Street, NW., Washington, DC 20508. The public file will include a listing of any comments received by USTR from the public with respect to the proceeding; the U.S. submissions to the panel in the proceeding, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the dispute, as well as the report of the dispute settlement panel, and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/DS-260, Dispute on EC Safeguard Measures on Steel) may be made by calling the Reading Room at (202) 395-6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

**Daniel E. Brinza,**

*Assistant United States Trade Representative for Monitoring and Enforcement.*

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Review Under 49 U.S.C. 41720 of Delta/Northwest/Continental Agreements

**AGENCY:** Office of the Secretary, Department of Transportation.

**ACTION:** Extension of waiting period.

**SUMMARY:** Delta Air Lines, Northwest Airlines, and Continental Airlines have submitted code-sharing and frequent-flyer program reciprocity agreements to the Department for review under 49 U.S.C. 41720. That statute requires such agreements between major U.S. passenger airlines to be submitted to the Department at least thirty days before the agreements' proposed effective date and authorizes the Department to extend the waiting period for these agreements at the end of the thirty-day period. The Department has determined to extend the waiting period for the Delta/Northwest/Continental

agreements for an additional thirty days, from October 22 to November 21, 2002.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366-4731.

**SUPPLEMENTARY INFORMATION:**

Delta, Northwest, and Continental submitted code-sharing and frequent-flyer program reciprocity agreements to us for review under 49 U.S.C. 41720 on August 23, more than thirty days before the airlines planned to implement these agreements. Under that statute we may extend the waiting period by 150 days for code-sharing agreements and by sixty days for other types of agreements. We have already extended the waiting period for these agreements once by thirty days. 67 FR 59328 (September 20, 2002).

We have been informally reviewing the agreements submitted by Delta, Continental, and Northwest. We are considering the comments submitted by interested parties, the three airlines' agreements, and other information in our possession, and we have been consulting with the Justice Department, which is responsible for enforcing the antitrust laws in the airline industry. Several carriers recently jointly asked the Department to extend the waiting period for the code-share agreement for the full 150-day period permitted by law and grant their request for a more extensive production of evidence from Delta, Continental, and Northwest. That request, received in writing late in the day on October 15, 2002, was made by Air Tran Airways, America West Airlines, Frontier Airlines, JetBlue Airways, Midwest Express Airlines, Southwest Airlines, and Spirit Airlines.

We have again determined that we need more time for our analysis of the issues presented by the Delta/Continental/Northwest joint venture agreements. Those issues are important and require careful consideration. We have therefore determined to extend the waiting period by another thirty days, from October 22 to November 21. We took similar action on the United/US Airways joint venture agreements. 67 FR 59328 (September 20, 2002). We will also consider the joint request made by several carriers to further extend the waiting period for the proposed code-share agreement and for additional evidence and will deal with it separately.

We intend to complete our review as promptly as possible, so that the three airlines will know our views on whether and under what terms they may go forward with the agreements.

Issued in Washington, DC on October 18, 2002.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs.*

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**[USCG-2000-7514]**

**National Preparedness for Response Exercise Program (PREP)**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of availability and notice of meeting.

**SUMMARY:** The U.S. Coast Guard, Research and Special Programs Administration, U.S. Environmental Protection Agency, and Mineral Management Service, in concert with representatives from various State governments, industry, environmental interest groups, and the general public, developed the *National Preparedness for Response Exercise Program (PREP) Guidelines* to reflect the consensus agreement of the entire oil spill response community. This notice announces the availability of the revised 2002 PREP Guidelines and announces the participating agencies' intent to hold a public meeting in November 2002.

**DATES:** A public meeting will be held from 8:30 a.m. to 11:30 a.m. on November 7, 2002, in Galveston, Texas.

**ADDRESSES:** The Docket Management Facility maintains the public docket for this notice. Comments and materials received from the public and the 2002 PREP Guidelines are part of this docket and are available for inspection or copying at room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at <http://dms.dot.gov>.

The 2002 PREP Guidelines also can be found on the following Web site: <http://www.uscg.mil/hq/nsfcc/nsfweb/>. Hard copies of the PREP Guidelines are available at no cost by writing or faxing the *PREP Coordinator* at Commandant (G-MOR), 2100 Second Street SW., Washington, DC 20593-0001, fax: 202-267-4065. Please indicate the quantity when ordering. Quantities are limited to 10 per order.

The public meeting will be held in Galveston, Texas, at the Moody Gardens Convention Center, One Hope Blvd., Galveston, Texas, 77554.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice and general information regarding PREP Guidelines and the schedule, contact Mr. Robert Pond, Office of Response, Plans and Preparedness Division (G-MOR-2), Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone: 202-267-6603, fax: 202-267-4065, or e-mail: [rpond@comdt.uscg.mil](mailto:rpond@comdt.uscg.mil). If you have questions on viewing material in the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone: 202-366-5149.

**SUPPLEMENTARY INFORMATION:**

**Background and Purpose**

In 1994, the U.S. Coast Guard (USCG), and the Research and Special Programs Administration (RSPA) of the Department of Transportation, the U.S. Environmental Protection Agency (U.S. EPA), and the Minerals Management Service (MMS) of the Department of Interior, coordinated the development of the PREP Guidelines. Through a series of public workshops involving representatives from many State governments, the regulated community, environmental interest groups, and the general public, the National Preparedness for Response Exercise Program (PREP) Guidelines were crafted to reflect the consensus agreement of the entire oil spill response community regarding an appropriate exercise program, including exercise types, frequency, scope, and objectives.

For their part, the USCG, RSPA, U.S. EPA, and MMS agreed that an industry entity may use the PREP Guidelines as one means of complying with the pollution response exercise requirements in 33 U.S.C. 1321(j). (For USCG rules, see 33 CFR part 154, subpart F (Response Plans for Oil Facilities) and 33 CFR part 155, subpart D (Response Plans); for RSPA rules, see 49 CFR part 194 (Response Plans for Onshore Oil Pipelines); for U.S. EPA rules, see 40 CFR part 112, subpart D (Response Requirements); and for MMS rules, see 30 CFR part 254 (Oil-Spill Response Requirements for Facilities Located Seaward of the Coast Line).)

Since 1994, USCG, RSPA, U.S. EPA, and MMS have hosted public workshops in 1995 (60 FR 19804, April 20, 1995), 1997 (62 FR 36864, July 9, 1997), and 2000 (65 FR 40160, June 29, 2000) to review the PREP Guidelines and consider need for changes. The first two workshops produced recommendations to preserve the 1994 PREP Guidelines without amendment. Based on comments from the 2000 workshop, the USCG, RSPA, U.S. EPA, and MMS recommended amending the