

easements and rights of way affecting Tract Nos. CRF-3A, -3AA, and -4, Chickamauga\Ridgedale-Oglethorpe Loop Into Hawthorn Substation Transmission Line, Hamilton County, Tennessee; Tract No. SBFP-6, Sebastopol Switching Station-Five Point Transmission Line, Scott County, Mississippi; and right to enter affecting Tract Nos. MECGM-1000TE, -1001TE, and -1002TE, Morgan Energy Center-General Motors Transmission Line, Limestone County, Alabama.

6. Approval of the appointment of Bill Forsyth of Murphy, North Carolina, to be a member of the Regional Resource Stewardship Council.

7. Approval of the sale of permanent and temporary construction easements for a water intake and discharge for water treatment facilities for Southeast Tissue Company, LLC, affecting approximately 2.7 acres of land on Pickwick Reservoir in Colbert County, Alabama, Tract No. XPR-4641E.

8. Approval of a public auction sale of the former Singleton Laboratory site consisting of approximately 3.4 acres of Fort Loudoun Reservoir land in Blount County, Tennessee, Tract No. XFL-133.

9. Approval of negotiated pay adjustments for Fiscal Years 2003, 2004, and 2005, covering TVA Police employees represented by the Law Enforcement Employees Association.

10. Approval of negotiated pay adjustments for Fiscal Year 2003 for custodial employees represented by Local 544, Service Employees' International Union, AFL-CIO.

11. Approval of negotiated adjustments to the pay plan for engineer, scientist, and technician employees represented by the Engineering Association, Inc., for Fiscal Years 2003, 2004, and 2005.

12. Approval of a new classification and Market Pricing pay plan and pay adjustments for employees represented by the Office and Professional Employees International Union for Fiscal Year 2003.

13. Approval of a contract with Bechtel Power Corporation for engineering services for the Browns Ferry Nuclear Plant Unit 1 recovery effort.

14. Approval of a delegation of authority for the Executive Vice President, Transmission/Power Supply Group, to execute the Public Power Regional Transmission Grid Coordination Agreement.

15. Approval of revised Dispersed Power Production Guidelines for TVA and distributors of TVA power.

16. Approval of an extension of temporary authority to waive the Enhanced Growth Credit Program

requirement that a facility must first be shut down for at least 12 months before becoming eligible for the program.

17. Approval of a revision of the formula used to calculate credits under the Low Density Credit Program.

18. Approval of a delegation of authority to the President and Chief Operating Officer, or a designee, to approve a Power Purchase Agreement for green power to be supplied from a wind-powered generation expansion project on Buffalo Mountain in support of TVA's Green Power Switch Program.

19. Approval for the Senior Vice President of Procurement, or a designee, to enter into individual contracts and incremental changes of up to \$30 million each for Browns Ferry Nuclear Plant Unit 1 materials and services through Fiscal Year 2007, with the total dollar amount of contracts entered into in any fiscal year not to exceed \$250 million.

20. Approval of a grant of a 30-year term public recreation easement, with conditional option for renewals, to the City of Florence, Alabama, affecting approximately 27 acres of land on Pickwick Reservoir in Lauderdale County, Alabama, Tract N. XTWDNC-1RE.

**FOR FURTHER INFORMATION CONTACT:**

Please call TVA Media Relations at (865) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898-2999. People who plan to attend the meeting and have special needs should call (865) 632-6000. Anyone who wishes to comment on any of the agenda in writing may send their comments to: TVA Board of Directors, Board Agenda Comments, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

Dated: November 13, 2002.

**Maureen H. Dunn,**

*General Counsel and Secretary.*

[FR Doc. 02-29523 Filed 11-15-02; 3:33 pm]

**BILLING CODE 8120-08-M**

**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**

**Procedures for Further Consideration  
of Requests (Anniversary) for  
Exclusion of Particular Products From  
Actions With Regard to Certain Steel  
Products Under Section 203 of the  
Trade Act of 1974, as Established in  
Presidential Proclamation 7529 of  
March 5, 2002**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** In a notice published on October 26, 2001 (66 FR 54321) (Notice), the Trade Policy Staff Committee (TPSC) established procedures for interested persons to request the exclusion of particular products from any action the President might take under section 203 of the Trade Act of 1974, as amended, (19 U.S.C. 2253) (Trade Act) with regard to certain steel products. Presidential Proclamation 7529 of March 5, 2002, established such actions with regard to certain steel products (safeguard measures), but excluded some of the particular products identified in requests for exclusion made in response to the Notice. See 67 FR 10553 (March 7, 2002). Proclamation 7529 authorized the United States Trade Representative (USTR) in March of each year in which any of the safeguard measure remains in effect to further exclude particular products from the pertinent safeguard measure established by the proclamation. The USTR is modifying procedures established on April 18, 2002 (67 FR 19307) for further consideration of such exclusion requests.

**DATES:** The USTR and the Department of Commerce will hold a public information session to review the anniversary exclusion filing procedures on Thursday, November 21, 2002, at 4 p.m. in room 3407 of the Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC. Information will be available on the USTR website at [www.ustr.gov/sectors/industry/steel.shtml](http://www.ustr.gov/sectors/industry/steel.shtml) indicating how interested persons may participate in this public information session by teleconference. Persons submitting requests for the exclusion of certain steel products from the safeguard measures must file completed questionnaires by December 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Please send inquiries regarding the exclusion process by e-mail simultaneously to:

[exclusion\\_support@ita.doc.gov](mailto:exclusion_support@ita.doc.gov) and [FR001@ustr.gov](mailto:FR001@ustr.gov). You may also contact the Office of Industry, Office of the United States Trade Representative, 600 17th Street, NW., Room 501, Washington DC, 20508. Telephone (202) 395-5656.

**SUPPLEMENTARY INFORMATION:** On March 5, 2002, pursuant to section 203 of the Trade Act of 1974, as amended (the "Trade Act") (19 U.S.C. 2253), the President issued Proclamation 7529 (67 FR 10553), which imposed tariffs and a tariff-rate quota on (a) certain flat steel, consisting of: Slabs, plate, hot-rolled steel, cold-rolled steel, and coated steel;

(b) hot-rolled bar; (c) cold-finished bar; (d) rebar; (e) certain tubular products; (f) carbon and alloy fittings; (g) stainless steel bar; (h) stainless steel rod; (i) tin mill products; and (j) stainless steel wire, as provided for in subheadings 9903.72.30 through 9903.74.24 of the Harmonized Tariff Schedule of the United States ("HTS") ("safeguard measures") for a period of three years plus 1 day.

Within 120 days after the date of that proclamation, the USTR was authorized to further consider any request for exclusion from the section 201 measures of a particular product submitted in accordance with the procedures set out in 66 FR 54321, 54322–54323 (October 26, 2001) and, upon publication in the **Federal Register** of a notice of his finding that a particular product should be excluded, to modify the HTS provisions created by the annex to the proclamation to exclude such particular product from the pertinent safeguard measure established by the proclamation.

Proclamation 7529 also delegated to the USTR the authority, in March of each year in which any safeguard measure established by this proclamation remains in effect, upon publication in the **Federal Register** of a notice of his finding that a particular product should be excluded, to modify the HTS provisions created by the annex to this proclamation to exclude such particular product from the pertinent safeguard measure established by this proclamation. This **Federal Register** notice provides notice of the procedures for the consideration of these anniversary exclusion requests.

To facilitate the consideration of new exclusion requests, USTR requests persons interested in obtaining an exclusion from the safeguard measures of a particular product to send an e-mail to [exclusion\\_support@ita.doc.gov](mailto:exclusion_support@ita.doc.gov) to request an identifying "A" number. The "Subject" line of the e-mail must give the name of the requesting party and the words "A-number Request" as in the following example: XYZSteelCo—A-number Request. Each submitting party will be assigned only one identifying A number, regardless of the number of total exclusion requests a submitting party may ultimately file. That party's individual product requests will then be differentiated using the "decimal point" numbers. Further instructions about decimal numbers will be provided to the submitting party in the e-mail which supplies the submitting party with its A-number.

USTR, in conjunction with the U.S. Department of Commerce, has developed a series of questions designed

to elicit information that clearly identifies the product under consideration, and provides detailed information on the requester's situation. These questions, presented in the form of a requester questionnaire, are available on the USTR website at <http://www.ustr.gov/sectors/industry/steel.shtml>. The questionnaire contains detailed filing instructions. Interested parties must submit a complete questionnaire by December 3, 2002.

In addition to the instructions contained in the questionnaire, USTR has developed guidelines in response to frequently asked questions to assist a requester in preparing a response to the questionnaire. The Guidelines further elaborate upon the questionnaire and provide sample responses to selected questions within the questionnaire. The Guidelines will be available on the USTR website at <http://www.ustr.gov/sectors/industry/steel.shtml>.

USTR and the Commerce Department will review each exclusion request for the minimum level of sufficiency necessary to initiate each exclusion request. In the case of a deficient exclusion request, USTR or Commerce will transmit by e-mail a notice to the submitting party that briefly summarizes the nature of the deficiency and/or requests supplemental information. By providing a deficiency notice, USTR and the Commerce Department will otherwise make no comment on the merits of an exclusion request. Exclusion requesters will have 10 days from the date of transmission of the deficiency notice to remedy and file a correction or submit requested supplemental information to its exclusion request.

Short descriptions of the particular products covered by complete questionnaire responses will be posted in groups on the USTR website, and the requester questionnaires will be made available to the public in the Commerce Department Central Records Unit. The timing and size of the posting of such groups will be determined and announced at a future date by USTR and will depend on the volume and nature of exclusion requests received by USTR.

USTR, in conjunction with the Commerce Department, has developed a series of questions designed to substantiate any objections. These questions, presented in the form of an objector questionnaire, will be available on the USTR website at <http://www.ustr.gov/sectors/industry/steel.shtml>. The filing deadlines of such objector questionnaires will be determined and announced at a future date in accord with the above-referenced public posting process.

If a complete response to the requester questionnaire with regard to a particular product has not been received by December 3, 2002, USTR may disregard the exclusion request for that product. If a complete response to the objector questionnaire with regard to a particular product has not been received by the date that will be established by USTR, USTR will assume that the domestic industry does not object to the exclusion of that particular product.

USTR and the Commerce Department will make time available to meet with interested persons in the latter half of January 2003 to review the submissions related to exclusion requests. USTR will publish instructions on the USTR website in December for requesting meetings with the exclusion analysis team, and will notify the parties of the meeting schedule in the first half of January 2003. If the number of meetings requested exceeds the time available for such meetings, priority will be given to those meetings that discuss exclusion requests that, in the opinion of USTR and Commerce, require further inquiry.

Each exclusion request will be evaluated on a case-by-case basis. USTR will grant only those exclusions that do not undermine the objectives of the safeguard measures. In analyzing the requests, USTR will consider whether the product is currently being produced in the United States, whether substitution of the product is possible, whether qualification requirements affect the requester's ability to use domestic products, current inventory levels, whether the requested product is under development by a U.S. producer who will imminently be able to produce it in marketable quantities, and any other relevant factors.

#### **Submission of Requests for Exclusion and Opposition to Requests for Exclusion**

Parties who wish to place an exclusion request on the record will be required to submit paper copies of each questionnaire response to the Department of Commerce Central Records Unit (B099) via Room 1870. Four paper copies of a public version of an exclusion request must be filed. Parties who wish to file business proprietary versions must submit four paper copies of the business proprietary version and two paper copies of the public version. In addition to paper copies, interested parties must also file an electronic version via e-mail in a WordPerfect or Microsoft Word format to [exclusion\\_support@ita.doc.gov](mailto:exclusion_support@ita.doc.gov) and [FR001@ustr.gov](mailto:FR001@ustr.gov). Detailed filing instructions are contained in both the requester and objector questionnaires

located in the aforementioned USTR website address.

Any long description of the product subject to an exclusion request must include only publicly available information, in text form (no tables or graphs), with all units of measurement converted to metric equivalents. The description must be sufficient to differentiate the product from other products, and to allow for enforcement of the exclusion, if granted, by the U.S. Customs Service.

We strongly discourage the submission of business proprietary information. Any questionnaire response that contains business proprietary information must be accompanied by two paper copies of a public summary that do not contain business proprietary information and four paper copies that do contain business proprietary information.

#### Paperwork Reduction Act

This notice contains a collection of information provision subject to the Paperwork Reduction Act (PRA) that the Office of Management and Budget (OMB) has approved. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB number. This notice's collection of information burden is only for those persons who wish voluntarily to request the exclusion of a product from the safeguard measures. It is expected that the collection of information burden will be no more than 20 hours. This collection of information contains no annual reporting or record keeping burden. OMB approved this collection of information under OMB control number 0350-0011. Please send comments regarding the collection of information burden or any other aspect of the information collection to USTR at the address above.

**Robert B. Zoellick,**

*United States Trade Representative.*

[FR Doc. 02-29292 Filed 11-18-02; 8:45 am]

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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 code-share agreements for an additional thirty days, from November 21 to December 21, 2002.

Any supplemental comments must be submitted by December 4, 2002.

**ADDRESSES:** Comments must be filed with Randall Bennett, Director, Office of Aviation Analysis, Room 6401, U.S. Department of Transportation, 400 7th St. SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. To facilitate consideration of comments, each commenter should file three copies of its comments.

**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. That statute requires such agreements between major U.S. airlines to be submitted to us more than thirty days before their planned implementation, and it authorizes us to extend the waiting period by up to 150 days for code-sharing agreements and by up to sixty days for other types of agreements. We have already extended the waiting period for these agreements twice by thirty days. 67 FR 59328 (September 20, 2002); 67 FR 64960 (October 22, 2002). We have determined to extend the waiting period for the code-share agreement for an additional thirty days to give us time to consider the supplemental comments being submitted by other parties interested in the agreement. While we cannot extend the waiting period for the frequent flyer reciprocity agreement again, we are continuing to examine the competitive issues raised by the frequent flyer reciprocity agreement, and we request

that parties address those issues in their comments as well.

We have been informally reviewing the agreements submitted by Delta, Continental, and Northwest and discussing the competitive issues with the Justice Department. Our review of the agreements is focusing on whether they may reduce competition. To bar the parties from implementing the agreements, we would need to determine that they were unlawful under 49 U.S.C. 41712 as an unfair method of competition, that is, that the agreements violate the antitrust laws or antitrust principles. *See United Air Lines v. CAB*, 766 F.2d 1101 (7th Cir. 1985). Our review is analogous to the review of major mergers and acquisitions conducted by the Justice Department and the Federal Trade Commission under the Hart-Scott-Rodino Act, 15 U.S.C. 18a, since we are considering whether we should institute a formal proceeding for determining whether an agreement would violate section 41712.

To assist us in our review, we have given interested parties the opportunity to submit comments on the agreements, initially on the basis of redacted copies of the agreements and more recently on the basis of unredacted copies, subject to restrictions designed to ensure that the confidential business information in the agreements does not become public. We made the unredacted copies of the agreements available to the parties on November 12 after giving Delta, Continental, and Northwest some advance notice of our decision to make the copies available. 67 FR 69297 (November 15, 2002).

Any supplemental comments must be submitted no later than December 4. That deadline will give the parties adequate time to submit any additional analysis based on their review of the unredacted material. We will then consider all of the comments and the information provided by Delta, Continental, and Northwest and further consult with the Justice Department. We hope to make a final decision by December 21 on whether more formal action should be taken on the agreements.

Issued in Washington, DC on November 15, 2002.

**Read C. Van de Water,**

*Assistant Secretary for Aviation and International Affairs.*

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