

compliance with all reporting requirements such as those set out for DoS cooperative agreements. The applicant must demonstrate the potential for programming IV participants from multiple regions of the world or from a single region.

5. *Cost-effectiveness/Cost-sharing*: The administrative and indirect cost components of the proposal, including salaries, should be kept as low as possible. Consideration will be given to proposed cost-sharing through other private sector support and institutional direct funding contributions.

6. *Project Evaluation*: Proposals should demonstrate how national program agencies would coordinate with ECA/PE/V program officers on evaluation efforts for IV projects. Examples of methods that could be used are participation of national program agency program officers in the final evaluation sessions of IV projects, and submission of final written reports on those projects to ECA/PE/V.

#### Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries\* \* \*; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations\* \* \*and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

#### Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to accept proposals in whole or in part and make an award or awards in accordance with what best serves the interests of the International Visitor Program. The Bureau also reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the

availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

#### Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: January 16, 2003.

C. Miller Crouch,

*Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.*

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### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS-268]

#### WTO Dispute Settlement Proceeding Regarding the Sunset Review of the Antidumping Duty Order on Oil Country Tubular Goods From Argentina

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The Office of the United States Trade Representative ("USTR") is providing notice that on October 7, 2002, the United States received from Argentina a request for consultations under the Marrakesh Agreement Establishing the World Trade Organization ("WTO Agreement") regarding the sunset review of the antidumping duty order on oil country tubular goods ("OCTG") from Argentina. Argentina alleges that the sunset review determinations made by U.S. authorities concerning this product, and certain related matters, are inconsistent with Articles 1,2,3,5,6,11,12 and 18 of the Agreement on Implementation of Article VI of the General Agreements on Tariffs and Trade 1994 ("AD Agreement"), Articles VI and X of the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), and Article XVI:4 of the WTO Agreement. USTR invites written comments from the public concerning the issues raised in this dispute.

**DATES:** Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before February 21, 2003, to be assured of timely consideration by USTR.

**ADDRESSES:** Comments should be submitted (i) electronically, to [FR0051@ustr.gov](mailto:FR0051@ustr.gov), or (ii) by mail, to Sandy McKinzy, Office of the United States Trade Representative, 600 17th

Street, NW., Washington, DC 20508, Attn: Argentina Sunset Dispute, with an confirmation copy sent electronically to the address above, or by fax to (202) 395-3640, in accordance with the requirements for submission set out below.

**FOR FURTHER INFORMATION CONTACT:** William D. Hunter, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, (202) 395-3582.

**SUPPLEMENTARY INFORMATION:** Section 127(b) of the Uruguay Round Agreements Act ("URAA") (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

#### Major Issues Raised by Argentina

With respect to the measures at issue, Argentina's request for consultations refers to the following:

- The final results of the sunset review by the U.S. Department of Commerce ("DOC") of the antidumping duty order on OCTG from Argentina (65 FR 66701 (November 7, 2000));
- The final determination in the sunset review by the U.S. International Trade Commission ("ITC") of the antidumping duty order on OCTG from Argentina (USITC Pub. No. 3434 (June 2001));
- The DOC's determination to continue the antidumping duty order on OCTG from Argentina (66 FR 38630 (July 25, 2001));
- Sections 751(c) and 752 of the Tariff Act of 1930, as amended;
- The URAA Statement of Administrative Action, H.R. Doc. No. 103-316, vol. 1 (1994);
- The DOC's Sunset Policy Bulletin (63 FR 18871 (April 16, 1998));
- The DOC's sunset review regulations, 19 CFR § 351.218; and
- The ITC's sunset review regulations, 19 CFR §§ 207.60-69.

With respect to the claims of WTO-inconsistency, Argentina's request for consultations refers to the following:

- The DOC failed to base the initiation of its sunset review on sufficient evidence that the termination of the antidumping duty order would likely lead to a continuation or recurrence of dumping;
- The use by the United States of a de minimis standard of 0.5 percent in a sunset review;
- The DOC's misapplication of the "likelihood" standard;
- The U.S. standard for determining whether the termination of antidumping orders would be "likely" to lead to the continuation or recurrence of injury;
- The failure by the ITC to conduct an "objective examination" of the record and its failure to base its determination of "positive evidence"; and
- The U.S. statutory requirements that the ITC determine whether injury would be likely to continue or recur "within a reasonably foreseeable time" and that the ITC "shall consider that the effects of revocation or termination may not be imminent, but may manifest themselves only over a longer period of time".

#### Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this 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 [FR0051@ustr.gov](mailto:FR0051@ustr.gov), with "Argentina Sunset Dispute" in the subject line. For documents sent by U.S. mail, USTR requests that the submitter provide a confirmation copy, either electronically, to the electronic mail address listed above, 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. Comments must be in English. 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 submitting person. 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 submitting person believes that information or advice may qualify as such, the submitting person—

- (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, which is located at 1724 F Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, 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 panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket No. WT/DS-268, Argentina Sunset Dispute) may be made by calling the USTR Reading Room at (202) 395-6168. The USTR Reading Room is open to the public from 9:30 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

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

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

**ACTION:** Termination of review of joint venture agreements.

**SUMMARY:** As required by 49 U.S.C. 41720, Delta Air Lines, Northwest Airlines, and Continental Airlines submitted code-sharing and frequent-flyer program reciprocity agreements to the Department for review. After

analyzing the agreements and conducting an extensive informal investigation, the Department has determined that the agreements, if implemented as presented by the three airlines, could result in a significant adverse impact on airline competition, unless the airlines formally accept and abide by certain conditions that are intended to limit the likelihood of competitive harm. If the airlines choose to implement the agreements without accepting those conditions, the Department will direct its Aviation Enforcement office to institute a formal enforcement proceeding regarding the matter.

#### FOR FURTHER INFORMATION CONTACT:

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

**SUPPLEMENTARY INFORMATION:** On August 23, 2002, as required by 49 U.S.C. 417120, Delta, Northwest, and Continental ("the Alliance Carriers") submitted code-sharing and frequent-flyer program reciprocity agreements to us for review. That statute requires such agreements between major U.S. airlines to be submitted to us more than 30 days before they are implemented. We may extend that waiting period by up to 150 days for code-sharing agreements and 60 days for other types of agreements. The airline parties to a joint venture agreement may implement the agreement without obtaining our approval once the waiting period has expired.

Our authority to extend the waiting period enables us to conduct an informal investigation and make a preliminary determination as to whether the agreement may unreasonably reduce competition and therefore constitute an unfair method of competition that would violate 49 U.S.C. 41712, formerly section 411 of the Federal Aviation Act.<sup>1</sup> If we determine that an agreement violates section 411, we may bar the airlines from implementing it. Unfair methods of competition include airline agreements and other practices that violate the antitrust laws or antitrust principles. *See United Air Lines v. CAB*, 766 F.2d 1101 (7th Cir. 1985). A complaint that an airline practice is an unfair method of competition would be resolved after a hearing before an administrative law judge.

Rather than institute a formal enforcement proceeding, we may also ask the airline parties to make changes to their agreement to address our concerns about the agreement's impact

<sup>1</sup> This notice will refer to the section as section 411, its traditional name.