rules either in responses to comments received or as a result of its independent examination of investigative procedures. Other aspects of its independent examination, which are also described in this notice, address internal agency procedures which do not require rulemaking to implement.

The Commission has determined that these proposed rules do not meet the criteria described in section 3(f) of Executive Order 12866 (58 FR 51735, Oct. 4, 1993) (EO) and thus do not constitute a significant regulatory action for purposes of the EO. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 note), the Commission hereby certifies pursuant to 5 U.S.C. 605(b) that the rules set forth in this notice are not likely to have a significant impact on a substantial number of small business entities.

## **Petition Requirements**

## Sections 207.10 and 207.11

The Commission is proposing to amend §§ 207.10 and 207.11 concerning the filing and content of antidumping and countervailing duty petitions. Section 207.10 is proposed to be revised to require petitioners to serve the confidential version of the petition on a party representative as soon as a petitioner is notified that that representative has had its application for administrative protective order (APO) granted. Trade practitioners have expressed the concern that party representatives whose APO applications have already been approved do not gain access to business proprietary information (BPI), and especially the confidential version of the petition, quickly enough to prepare for the staff conference and the postconference briefs. The proposed amendment would obligate petitioners to serve the confidential version of the petition more rapidly than under current practice.

Two other changes that have been proposed to §207.10 are discussed in more detail below. The first modifies a reference to the Commission 'preliminary investigation," consistent with the general change in terminology discussed below in the section concerning investigative activity between the Commission preliminary determination and the Department of Commerce ("Commerce") preliminary determination. The second, which deletes the current requirement that petitioners file entries of appearance in a final investigation, is discussed below in the section concerning entries of appearance.

The Commission also has proposed extensive amendments to § 207.11

concerning the content of antidumping and countervailing duty petitions. The first sentence of the current rule, which requires a petition to be signed and to identify the petitioner and its representatives, will be retained with one grammatical change and will be designated § 207.11(a).

The second sentence of the rule, which requires that a petition allege the elements necessary for imposition of antidumping and countervailing duty rules and contain information reasonably available to the petitioner supporting the allegation, will be designated § 207.11(b)(1). The Commission is proposing that the change made to this portion of § 207.11 as a result of the interim rulemaking deleting a reference to former section 303—be made permanent.

Paragraph (b)(2) of § 207.11 contains new provisions specifying particular information to be included within petitions to the extent reasonably available to petitioner. These requirements are not currently set forth in either the regulations of the Commission or those of Commerce. Each of the provisions is designed to facilitate the Commission's ability to conduct investigations under sections 703(a) and 733(a) of the Act.

Several of the provisions are designed to facilitate the preparation and dissemination of questionnaires. The requirements that the petition identify the proposed domestic like product(s) and identify each product on which the Commission should seek information in its questionnaires are designed to aid the Commission in preparing questionnaires. The requirements that the petition provide complete listings of both U.S. producers of the proposed domestic like product(s) and U.S. importers of the subject merchandise, including information concerning street addresses, phone numbers, and market shares (which are not currently required under Commerce's regulations) are designed to facilitate prompt dissemination of questionnaires and preparation of mailing lists by the Commission staff. (Commission staff intends to encourage petitioners additionally to provide such information electronically where feasible.) The requirement that the petition include a table providing empirical data on factors pertinent to the condition of the domestic industry during a period of time prior to the filing of the petition, which will encompass three or three and one-half calendar years, is designed to enable the Commission to consult with Commerce as to the accuracy and adequacy of the allegations in the petition concerning

material injury by reason of allegedly dumped or subsidized imports.

Other provisions in proposed § 207.11(b)(2) are designed to reduce the amount of data that will be requested in questionnaires. Because information concerning each petitioner's ten largest U.S. customers and lost sales and revenues will now be contained in the petition, the Commission will no longer need to request such information in the questionnaires it sends to petitioners. U.S. producers of the proposed domestic like product who are not petitioners will still be requested to provide lost sales and revenue information in questionnaires.

The Commission emphasizes that, consistent with statutory requirements, petitioners will only be required to provide information that is reasonably available to them. The Commission realizes that, in some instances. petitions are filed on behalf of U.S. industries, such as those producing agricultural products, that contain so many producers that providing a complete listing of U.S. producers would be impossible. In other instances, petitioners may not have access to financial or trade data concerning every domestic producer. The Commission does not intend to require petitioners to provide the types of data specified in proposed § 207.11(b)(2) when such data are not reasonably available to them. Proposed § 207.11(b)(3) does require, however, that when a petitioner is unable to provide a type of information specified in § 207.11(b)(2), it certify that that type of information is not reasonably available to it.

Investigative Activity Between Commission Preliminary Determination and Commerce Preliminary Determination

## Sections 207.12, 207.13, 207.14, 207.18 and 207.20

Several of the comments filed in response to the January 3, 1995, Federal Register notice endorsed the proposition that the Commission should begin its final antidumping and countervailing duty investigations at an earlier date. S&S suggested that the Commission begin preparation of its questionnaires for use in the final investigation before Commerce issues its preliminary determination, and distribute them shortly after the Commerce preliminary determination is issued. SSINA proposed that draft questionnaires be circulated to the parties two weeks prior to the issuance of the Commerce preliminary determination, and that the questionnaires be issued on the date of