the Commerce preliminary determination. Flat-Rolled Steel indicated that the Commission should institute its final investigation 30 days prior to the date that Commerce is scheduled to issue its preliminary determination. Pro Trade also endorsed the Commission beginning its final investigation before Commerce issued its preliminary determination, early issuance of questionnaires, and establishment of a period at the outset of the final investigation for the parties to identify arguments they intend to raise concerning the appropriate domestic like product(s).

In light of these comments, and as a result of its own internal review of antidumping and countervailing duty procedures, the Commission is proposing major changes in the way it conducts investigative activity between issuance of its preliminary determination and the issuance of the Commerce preliminary determination. Although section 207.18 currently provides the Commission's Director of Operations with the authority to conduct investigative activity during this period, the Commission staff does not ordinarily engage in extensive investigative activity between the time the Commission issues its preliminary determination and the time it institutes its final investigation.

Under the proposed revisions, however, the Commission will continue to engage in investigative activity immediately following its preliminary determination unless that determination is negative or one of negligible imports, in which event the investigation is terminated by operation of law. Therefore, section 207.18 is proposed to be revised to indicate that, if the Commission's preliminary determination is affirmative, it will state in the notice of its determination that it publishes in the Federal Register that it will continue its investigation to reach a final determination under section 705(b) or 735(b). This is in contrast to current practice, in which the Commission does not ordinarily institute a "final investigation" until it receives notice of a preliminary affirmative determination by Commerce. (Other proposed changes to section 207.18 delete a reference to former section 303, make clear that the investigation will terminate in the event of a preliminary determination of negligible imports, as well as in the event of a negative preliminary determination, and delete the last three sentences of the rule, which are superseded by proposed §§ 207.20 and 207.21.)

Because the Commission will be conducting a continuous investigation. it proposes amending its regulations so that they no longer refer to discrete "preliminary" and "final" investigations. Of course, the Commission will continue to render discrete preliminary and final determinations, as required by statute. The portion of the investigation made in connection with the preliminary determination will be known as the "preliminary phase" of the Commission investigation, and the portion of the investigation made in connection with the final determination will be known as the "final phase" of the Commission investigation. The Commission has proposed wording changes in §§ 207.12, 207.13, and 207.14 to reflect this. (Sections 207.12 and 207.14 will also be revised to delete references to former section 303 of the Act.)

The nature of the investigative activity that the Commission will conduct between the time it issues its preliminary determination and the time that Commerce issues its preliminary determination is specified in proposed § 207.20. (As explained further below, current section 207.20 will be renumbered §207.21 and the succeeding sections will be renumbered accordingly.) Under proposed § 207.20(a), the Director of Operations will publish in the Federal Register a schedule of investigative activities that will take place under § 207.20 between the time of the Commission preliminary determination and the time of the Commerce preliminary determination. The remaining portions of proposed § 207.20 identify the three major aspects of this investigative activity.

First, under proposed § 207.20(b), the Director of Operations will circulate to the parties draft questionnaires for the phase that the Commission will conduct in connection with its final determination no later than 14 days after the Commission transmits its opinion(s) in connection with its preliminary determination to Commerce pursuant to section 703(f) or 733(f) of the Act. Although the Commission investigative staff currently circulates draft final questionnaires to the parties for comment, the proposed regulation will formalize this process and move it to an earlier point in the investigation.

Second, under proposed § 207.20(c), the parties will file an issues brief with the Commission at the date specified in the Federal Register notice, which is to be no later than 28 days before the date on which Commerce is scheduled to issue its preliminary determination. (The Commission solicits comment on whether the filing of this brief should

instead be scheduled in relation to the time that the Commission transmits its preliminary determination opinion(s) to Commerce, i.e., that the brief must be filed no later than 75 days after transmission of the Commission preliminary opinion(s).) Although the issues brief should contain comments on the draft questionnaires, the Commission envisions this brief as being considerably more thorough than the informal comments that parties currently file addressing draft questionnaires. In the proposed issues brief parties would state their position on certain threshold issues (e.g., domestic like product, domestic industry, cumulation, negligible imports) and additionally identify all issues on which they maintain that the Commission should collect data through the questionnaire process and provide a supporting rationale indicating why such data are necessary to the investigation. The brief should also identify any known sources of information that the Commission should consult in connection with such issues. For example, if a party intends to argue that the Commission should designate multiple domestic like products, or domestic like products that differ from those designated by the Commission in its preliminary determination, it will be required in its issues brief to identify each domestic like product on which the Commission should collect data, and to provide the legal and factual basis for its position that such domestic like product(s) should be designated.

Requests for data collection that are not made in the issues brief may not be raised subsequently by parties in the investigation. To continue the example above, a party that does not request in its issues brief that the Commission should designate multiple domestic like products and seek information concerning each proposed domestic like product in questionnaires may not assert such a request for the first time after the Commission has issued its questionnaires. The reason for this provision is to ensure that the Commission receives data collection requests from parties early enough in an investigation to accord it sufficient time to collect data concerning those requests it deems appropriate. Particularly in light of the new responsibilities the URAA imposes on the Commission to disclose all information to parties before the record closes prior to issuance of a final determination, Commission staff will generally not have sufficient time to generate data when a party does not assert an argument relating to or implicating data collection for the first