

disclosure in generalized or summarized form.

Section 206.8 is new, and has been added to provide a general service, filing, and certification requirement to supplement the more specific service and filing requirements in new § 206.17 of these rules relating to documents subject to disclosure under administrative protective order. New § 206.8 parallels § 207.3 of current Commission rules, which performs a similar function in conjunction with § 207.7 of the rules. The Commission traditionally has provided for service of documents in investigations covered by this Part 206 in its notices of investigation published in the **Federal Register**. However, the Commission believes that the inclusion of specific requirements in § 206.17 for documents subject to an administrative protective order without including requirements of general application may give rise to confusion on the part of submitters of documents as to applicable Commission requirements. In general, new § 206.8 reflects current Commission practice in investigations under Part 206, and would be made applicable to all investigations conducted under this part.

Section 206.12, concerning definitions applicable to Subpart B of Part 206 of the Commission's rules, is amended to delete paragraphs (c) and (d), which provide cross references to the statutory provisions where the terms "critical circumstances" and "perishable agricultural product" are defined. Because of amendments made by section 301(d) of the URAA to the critical circumstances provision in section 202, the cross reference in paragraph (c) is no longer accurate. However, the inclusion of cross references was viewed as unnecessary.

Section 206.13, concerning who may file a petition, has been divided. As amended, it contains the text of what was formerly paragraph (a). The text formerly in paragraphs (b) and (c) of that section, which described two circumstances under which the Commission would not institute an investigation after receipt of a petition, was moved to new section 206.15, relating to institution of investigations, where it was combined with two additional circumstances.

Section 206.14, concerning contents of petitions, is amended in three respects. First, in the introductory paragraph, wording is added that directs petitioners, in stating whether provisional relief is sought, to state whether they are asserting that critical circumstances exist. Second, paragraph (e)(2)(i) is amended to include

"productivity" in the list of economic factors relating to threat of injury for which a petitioner is directed to provide data in its petition. Section 301(e)(1) of the URAA added "productivity" to the list of economic factors in section 202(c)(1)(B)(i) of the Trade Act that the Commission is to take into account in determining whether an industry is threatened with serious injury. Third, paragraph (j), which describes the information to be provided in a petition when critical circumstances are alleged, is amended to reflect the new statutory standard relating to the critical circumstances in amended section 202(d)(2) of the Trade Act.

Section 206.15, concerning institution of an investigation, is a new rule. Paragraph (a) sets forth the general rule that the Commission will institute an investigation after receiving a petition, otherwise properly filed, under Subpart B of Part 206 of the rules. Paragraph (b) sets out four circumstances in which the Commission will not institute an investigation. These follow the limitations on Commission investigations set forth in section 202(h) of the Trade Act. Section 301(f) of the URAA amended section 202(h) to, among other things, clarify when a product subject to the WTO Agreement on Textiles and Clothing will become eligible for a Commission safeguard investigation.

Current rule section 206.15, which concerns industry adjustment plans and commitments, is redesignated as section 206.16, and current rule sections 206.16 and 206.17 are redesignated as sections 206.18 and 206.19, respectively.

Section 206.17, which sets forth rules for providing limited disclosure of confidential business information under administrative protective order, is new. Section 301(b) of the URAA amended section 202 of the Trade Act to add a new subsection (i) that requires the Commission to promulgate regulations to provide for disclosure of confidential business information, under an administrative protective order, to authorized representatives of interested parties who are parties to an investigation under section 202. The Statement of Administrative Action approved by the URAA states that it is expected that the Commission regulations will generally parallel the appropriate provisions of section 777 of the Tariff Act of 1930 (19 U.S.C. 1677f) and the regulations issued under that section. New section 206.17 is modeled after Commission rule section 207.7, which sets forth rules providing for limited disclosure of confidential business information under administrative protective order in

Commission investigations under the antidumping and countervailing duty laws in the Tariff Act of 1930. Section 206.17 includes wording that parallels amendments to section 207.7 of the rules scheduled to become effective on or about January 27, 1995. The term "confidential business information" is substituted for the term "business proprietary information," and certain other changes are made to reflect the differences between the two statutes. The definition of "interested parties" in paragraph (a)(3)(iii) is based on that found in section 771(9) of the Tariff Act of 1930 (19 U.S.C. 1677(9)).

Section 206.18 (formerly designated as section 206.16), which sets forth the times for Commission determinations and reports under Subpart B, is amended to reflect the new statutory times for determinations and reports when critical circumstances are alleged. As provided under section 202(d)(2) of the Trade Act, as amended by section 301(d) of the URAA, the Commission is required to make a critical circumstances determination within 60 days of the filing of a petition alleging such circumstances. When critical circumstances are alleged, the Commission will commence the regular 120-day injury phase of its investigation only after it completes the 60-day critical circumstances phase, and the Commission will submit its report on its investigation to the President not later than 240 days after the petition was filed, the request or resolution received, or the motion adopted.

Section 206.34, which sets forth the requirements concerning the contents of a petition filed under Subpart D of Part 206 with regard to imports from a NAFTA country, is amended in three respects. First, in the introductory paragraph, language is added that directs petitioners, in stating whether provisional relief is sought, to state whether they are asserting that critical circumstances exist. Second, paragraph (e)(2)(i) is amended to include "productivity" in the list of economic factors for which a petitioner is directed to provide data in its petition. Third, paragraph (i), which describes the information to be provided in a petition when critical circumstances are alleged, is amended to reflect the new statutory standard relating to the critical circumstances. These changes parallel changes made in section 206.14 of these rules with respect to petitions filed under Subpart B of Part 206. Section 302(c) of the NAFTA Implementation Act (19 U.S.C. 3352(c)) makes applicable to investigations conducted by the Commission under section 302(b) of the NAFTA Implementation Act the