

to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products. Paragraph (a) also states that each petition should provide the information specified in paragraphs (a) through (i)—*i.e.*, a product description and information about representativeness, imports, domestic production, injury or threat of injury, cause of injury, critical circumstances, the relief sought and the purpose thereof—to the extent that such information is reasonably available to the petitioner with due diligence.

The Commission redesignates the current paragraph (a) as paragraph (a)(1). The Commission adds a new paragraph (a)(2) that requires an additional certification if the petition fails to include any data or information that is required by a provision of section 206.44 that applies to a petition for an investigation under section 421(b)(1) of the Act. In such a case, the new paragraph (a)(2) will require the petition to include a certification that the missing information was not reasonably available to the petitioner. The Commission intends for the additional certification to impress upon each petitioner the importance of exercising due diligence to compile and submit the information specified in section 206.44 to the extent that the information is reasonably available to the petitioner.

The Commission also amends paragraph (a) of section 206.44 to make technical revisions. Paragraph (a) contains two references to “paragraphs (b)–(i).” Because the Commission is adding a new paragraph (j) to section 206.44 (as discussed below), the Commission changes the reference from “paragraphs (b)–(i)” to “paragraphs (b)–(j).”

*Paragraph (c).* A petition for an investigation under section 421(b)(1) of the Act must be filed by an entity described in 19 U.S.C. 2252(a)—that is, an entity, including a trade association, firm, certified or recognized union, or group of workers, which is representative of an industry. To enable the investigative staff to promptly verify the information that the petition provides to comply with paragraph (c) of section 206.44, the Commission revises paragraph (c)(1) to require the petition to include the name and telephone number of a contact person for each producer that is represented in the petition or that employs or previously employed workers represented in the petition. The Commission also revises paragraph (c)(3) to require the petition to provide the name and telephone number of a contact person for each other producer of the domestic product known to the

petitioner. Requiring the aforesaid information to be set forth in the petition will expedite the Commission’s gathering of information and relieve the petitioner from having to provide it on an expedited basis after the petition is filed.

*New Paragraph (j).* Much of the information that will be critical in helping the Commission make the required determination(s) in an investigation under section 421(b)(1) of the Trade Act is obtained from responses to Commission questionnaires. The Commission seeks to issue the questionnaires as expeditiously as possible. However, Commission staff cannot complete the drafting of questionnaires or mail them until it has compiled certain information about the subject products and the names and addresses of domestic and foreign producers, importers, and purchasers believed to have information relevant to the investigation. Section 206.44 does not currently require the petition to provide such information.

The Commission accordingly adds a new paragraph (j) to section 206.44. Paragraph (j)(1) requires the petition to include the name, address, and telephone number of each U.S. importer and producer in China of the products under investigation. Paragraph (j)(3) requires the petition to furnish the name, address, primary contact person, and telephone number for each of the 10 largest purchasers of each domestic producer represented in, or that employs or formerly employed workers represented in, the petition. The Commission believes that the information required by paragraphs (j)(1) and (j)(3) should be readily available to petitioner(s) from its (their) own records, public sources, or other sources.

New paragraph (j) of section 206.44 includes a paragraph (j)(2) that requires the petition to provide a detailed description of each product for which the petitioner wants the Commission to seek pricing information in its questionnaires and an explanation of why the petitioner believes the Commission should collect pricing information for that product.

The Commission believes that having the information specified in paragraphs (j)(1), (j)(2), and (j)(3) should enable the investigative staff to prepare and mail the Commission questionnaires sooner—which, in turn, would give the recipients more time to respond and give the staff, the Commission, and authorized representatives of parties to the investigation more time to evaluate the responses.

The new paragraph (j) also includes a paragraph (j)(4) that requires the petition to furnish information to support each allegation of a lost sale or lost revenue. The required supporting information includes the date, value, and product quantity of each such alleged loss. It also includes the name of the company that lost the sale, the name of the customer involved, and the name of the company that captured the sale or whose competition resulted in the lost revenue, and company addresses, contact persons, and telephone numbers. The Commission believes that requiring the petition to provide such information will facilitate staff verification of the allegation and will relieve the petitioner of the burden of having to furnish the information on an expedited basis after the petition is filed.

*Current Paragraph (j).* Having amended section 206.44 by adding a new paragraph (j) as discussed above, the Commission redesignates the current paragraph (j) as paragraph (k).

#### *The Creation of a New Section 206.44a*

The Commission further amends Part 206 of its Rules of Practice and Procedure by adding a new section 206.44a to establish special rules for investigations under section 421(b) of the Trade Act.

Paragraph (a) of the new section 206.44a addresses the petitioner’s obligation to serve confidential and/or public copies of the petition on other parties to the investigation and provides for earlier service of the petition. The Commission intends for paragraph (a) to provide clarity about a matter not adequately addressed in the current rules, namely the deadline for the petitioner to serve copies of the petition on other parties to the investigation following notification by the Secretary of approval of an application for disclosure under an administrative protective order, before establishment of a service list; the deadline for such service upon notification of the establishment of a service list; and the deadline for such service upon notification of an amendment of the service list.

Paragraph (b) of the new section 206.44a addresses the submission of written comments by parties after submission of their post-hearing briefs. The Commission adopts this paragraph to provide greater clarity on the issue of when the record closes. The Commission also intends for paragraph (b) to have the effect of preventing the recurrence of a problem that occurred in a recently completed investigation, namely, a party’s inclusion of new