

at issue is revoked. The provision specifies certain types of information concerning both the domestic industry and entities that produce or export the subject imports that should be included within the request, to the extent possible, to facilitate the Commission's determination.

(4) Information concerning any scope and antircumvention rulings issued by the Department of Commerce with respect to the section 303 order at issue.

When the Commission receives a timely request for a section 753 investigation satisfying these requirements, section 207.46(c)(1) provides that it will publish a notice of initiation of the investigation in the **Federal Register**. Such notice is required by section 753(d). Section 207.46(c)(2) implements the policy of section 753(b)(1)(B) that the Commission should issue determinations in section 753 investigations within one year of initiation to the extent possible. The statute, however, provides an exception to the one-year policy in section 753(b)(1)(C) for investigations initiated within one year after the date on which the WTO Agreement enters into force with respect to the United States. This exception is reflected at section 207.46(c)(3) of the new regulations, which pursuant to the statute, states that all investigations must be completed within four years of the date the WTO Agreement enters into force and that the Commission shall confer with the Department of Commerce in determining whether to extend a completion date. Section 207.46(c)(3) also provides a description of grounds that may justify the Commission extending a completion date; the grounds specified are not intended to be exclusive.

Section 207.46(d) specifies that the procedures set forth pertaining to final antidumping and countervailing duty investigations shall also be applicable to section 753 investigations. This is consistent with section 753(b)(1)(A) of the Act.

Section 207.46(e) reflects the requirements of section 753(b)(4) with respect to section 303 orders for which no request for review is filed. Similarly, section 207.46(f) reflects the requirements of section 753(c) for section 303 investigations without an injury test that are pending or have been suspended when a country has become a signatory to the WTO's Agreement on Subsidies and Countervailing Measures.

Section 207.46(g) concerns review requests made under section 753(e). That section permits a requesting party to file, simultaneously with its request

for review under section 753, a request for an expedited "sunset" review under section 751(c) of countervailing or antidumping duty orders involving the same or comparable subject merchandise. Sections 753(e)(1)(A) and 753(e)(3) indicate that if the Department of Commerce, after consultation with the Commission, should determine to initiate a review pursuant to the request, the Commission shall conduct a consolidated review pursuant to the procedures applicable to section 751(c) reviews.

The Commission has determined not to issue detailed regulations for section 751(c) investigations as part of these interim rules. Instead, the Commission anticipates that it will promulgate such regulations pursuant to notice-and-comment rulemaking procedures promptly after the URAA's amendments to the Act become effective. Nevertheless, section 207.46(g) contains a brief specification of how any section 751(c) reviews initiated by Department of Commerce pursuant to requests made under section 753(e) will be conducted. Section 207.46(g)(1) authorizes requests for expedited review, and states that the request for review under section 751(c) should set forth evidence to establish why revocation of the order to be reviewed under section 751(c) would be likely to lead to continuation or recurrence of material injury. Again, the Commission intends to promulgate more detailed regulations concerning the content of requests for review under section 751(c) as part of subsequent notice-and-comment rulemaking.

Section 207.46(g)(2) states that if the Department of Commerce should determine to initiate a section 751(c) review, the Commission shall conduct a consolidated review under sections 751(c) and 753 under the procedures set forth in Subparts A and C of Part 207. This implements the requirements of section 753(e)(3) pending the promulgation of more detailed procedural rules pertaining to section 751(c) investigations. Section 207.46(g)(3) states that if Commerce should determine not to initiate a section 751(c) review, the Commission will proceed with the section 753 review request pursuant to the procedures stated elsewhere in section 207.46.

List of Subjects in 19 CFR Part 207

Administrative practice and procedure, Antidumping, Countervailing duties, Investigations.

PART 207—[AMENDED]

Part 207 is amended as set forth below:

1. The authority citation for Part 207 is revised to read as follows:

Authority: 19 U.S.C. 1303, 1336, 1671–1677n, 2482; sec. 103, Pub. L. 103–465, 108 Stat. 4809.

1a. Section 207.1 is revised to read as follows:

§ 207.1 Applicability of part.

Part 207 applies to proceedings of the Commission under section 303, section 516A and title VII of the Tariff Act of 1930 (19 U.S.C. 1303, 1516A and 1671–1677n) (the Act), other than investigations under section 783 (19 U.S.C. 1677n), which will be conducted pursuant to procedures specified by the Office of the United States Trade Representative.

2. Paragraph (e) of section 207.2 is revised to read as follows:

§ 207.2 Definitions applicable to part 207.

* * * * *

(e) The term *injury* means: Material injury or threat of material injury to an industry in the United States, or material retardation of the establishment of an industry in the United States, by reason of imports into the United States of subject merchandise which is found by the administering authority to be subsidized, or sold, or likely to be sold, at less than its fair value.

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3. Section 207.8 is revised to read as follows:

§ 207.8 Questionnaires to have the force of subpoenas; subpoena enforcement.

Any questionnaire issued by the Commission in connection with any investigation under section 303 or title VII of the Act, may be issued as a subpoena and subscribed by a Commissioner, after which it shall have the force and effect of a subpoena authorized by the Commission. Whenever any party or any other person fails to respond adequately to such a subpoena or whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, the Commission may:

(a) Use the facts otherwise available in making its determination;

(b) Seek judicial enforcement of the subpoena pursuant to 19 U.S.C. 1333;

(c) Make inferences adverse to such person's position, if such person is an interested party that has failed to cooperate by not acting to the best of its ability to comply with a request for information; and