

50-page limit proposed, or whether the Commission should continue not to impose page limits on prehearing briefs. The Commission also solicits comments on whether practitioners perceive the existing 50-page limit on postconference briefs and the proposed 50-page limit on issues briefs to be helpful and/or useful, whether these limits should be modified or eliminated, and whether elimination of the page limit on postconference briefs would be likely materially to change the length and/or nature of the briefs filed with the Commission.

The Commission is also proposing to amend the page limit contained in current interim rule § 207.29(b). This is described further below in the section addressing proposed renumbered § 207.30.

Final Comments

Renumbered Section 207.30

In the January 3, 1995, interim rulemaking notice, the Commission promulgated interim rule § 207.29, a new provision implementing § 782(g) of the Act, which was added to the Act by the URAA. Section 782(g) requires that the Commission, before making a final determination in antidumping or countervailing duty investigations or review proceedings, cease collecting information and provide parties to the proceeding with a final opportunity to comment upon all information on which they had not previously had an opportunity to comment. The rule states that the Commission will specify a date in final antidumping and countervailing duty investigations after the filing of posthearing briefs on which it will make available to all parties to the investigation all information on which parties have not had an opportunity to comment. It further states that the parties will be accorded an opportunity to comment on this information, that any comments can concern only such information, and that comments may not exceed 10 double-spaced pages.

After consideration of the comments on the interim rule, the Commission has decided to propose issuance of interim rule § 207.29 as a final rule, to be renumbered § 207.30, with two substantive changes. The first change simply clarifies that the "24-hour rule" governing final bracketing of BPI pertains to comments filed under rule 207.30. The second change pertains to the page limits on the comments to be submitted under § 207.30(b). Additionally, the cross-references in the rule to other provisions that have been renumbered will be revised.

Comments on the interim rule focused on three areas. First, several

commenters addressed the type of material that they believe the Commission should release in the disclosure process required by interim rule § 207.29(a). Pro Trade, SSINA, Quebec and S&S all asserted that final versions of the staff report, the economic memorandum, and other non-privileged memoranda that staff prepare for the Commission or individual Commissioners should be released to the parties.

The Commission currently contemplates that a final version of the staff report, which will incorporate material that is currently presented in other non-privileged staff memoranda such as the economics memorandum and the financial memorandum on variance analysis, will be released to the parties under APO approximately five days before final comments under subsection (b) of the interim rule will be due, which will be approximately four days before the Commission's public briefing and vote. (The Commission is also continuing to explore release of a public version of the staff report prior to the time that final comments are due, as sought by S&S and SSINA. The Commission does not contemplate that this will be feasible in all investigations, however, depending on unresolved issues of data confidentiality.) Although the five-day period is shorter than that requested by commenters Quebec and SSINA, the Commission believes that earlier release of the staff report will not provide it sufficient time to investigate information obtained at the hearing, and that establishing the deadline for comments at a later time would not provide it sufficient time to analyze the comments and the record prior to the vote or to prepare its determination. Moreover, the Commission does not believe that promulgating regulations requiring release of the staff report to the parties at a specific point in the investigation is appropriate or necessary, particularly before it has developed experience in implementing the requirements of section 782(g) of the Act.

Several comments also responded to the inquiry posed by the Commission in the preamble to its January 3, 1995, interim rulemaking notice as to whether the Commission should adopt a procedure for multiple-stage comments. Those commenters who addressed the issue—Pro Trade, SSINA, and S&S—uniformly opposed such a procedure. The Commission agrees that there is insufficient time in antidumping and countervailing duty investigations for a multiple-stage comment process. The proposed rule consequently retains the

single-stage comment procedure of the current interim rule.

The third area addressed by commenters concerns the 10-page limit for final comments specified in interim rule § 207.29(b). Flat-Rolled Steel contended that this limit was too restrictive and should be set at 25 pages; SSINA proposed that all respondents be required to submit a single joint brief of the same length as the petitioner's. The Commission does not believe that SSINA's proposal is workable in light of the short deadlines involved.

In response to Flat-Rolled Steel's comment, the Commission emphasizes that the final comments will be very limited in scope. The Commission intends to release factual information under APO very promptly after receipt. (It does not agree with Flat-Rolled Steel, however, that the timing of APO releases is an appropriate subject for rulemaking.) Consequently, the Commission anticipates that the parties will receive a limited amount of new factual information subsequent to filing of the posthearing brief which may be discussed in the final comments. The Commission therefore contemplates that such comments will be quite concise. Nevertheless, the Commission is concerned that the 10-page limit established in the interim rule may be too restrictive. It is therefore proposing that this page limit be set at 15 pages.

Proprietary Information

Sections 201.6 and 207.7

The Commission is proposing amendments to some of its regulations pertaining to submission and disclosure of proprietary information. Section 201.6 is proposed to be revised expressly to allow parties and the Commission publicly to discuss confidential statistics in nonquantitative characterizations unless the submitter provides good cause for confidential treatment of such characterizations. In particular, the revision would permit the discussion of trends in such statistics, e.g., whether the difference between two confidential figures shows an increase or a decrease. This revision would apply only to confidential business information (CBI) and BPI submitted in numerical form; textual CBI and BPI would not be disclosed in any form. Moreover, if the submitter makes a claim for confidential treatment of trend information, such information must be treated as confidential until or unless the Secretary rejects the claim of confidentiality pursuant to section 201.6.

The proposed revision would address a concern expressed by practitioners