UNITED STATES DEPARTMENT OF COMMERCE
International Trade Administration
Washington, D.C. 20230

February 12, 2010

MEMORANDUM FOR: The Record
FROM: Ronald Lorentzen, DAS for Import Administration RKL
SUBJECT: Tolling of Administrative Deadlines As a Result of the Government Closure During the Recent Snowstorm.

After careful consideration, the Import Administration has determined that the impact of the closure of the Government during the recent snowstorms will best be minimized by uniformly tolling all Import Administration deadlines for one calendar week. The day on which any submission to the Import Administration is due should be calculated under the regulations as usual, except with the addition of seven days (including weekends and holidays). This determination applies to every proceeding before the Import Administration, including proceedings relating to foreign trade zones and statutory import programs. It includes deadlines for actions by the Import Administration (such as preliminary and final determinations in investigations and administrative reviews in AD/CVD proceedings), and also pending deadlines for actions by parties to our proceedings (such as the submission of AD/CVD questionnaire responses, supplemental questionnaire responses, and case and rebuttal briefs).

This action is essential because it would be impossible for the Import Administration to make up the time lost. Any attempt to do so also would impose unacceptable hardships on the parties to our proceedings. For example, although respondents could, in theory, submit questionnaire responses in the original amount of time, they were unable to contact the Import Administration during the closure to obtain what might have been necessary clarifications regarding the questionnaire. In many cases, this effectively will have reduced the amount of time in which to prepare a response. The Import Administration also was not available to consider requests for extensions of deadlines during the closure.

In theory, the Import Administration could meet certain deadlines and extend others. In fact, this is impracticable. The very process of sorting through the hundreds of deadlines and determining on a case-by-case basis which to extend would absorb a substantial amount of time, adding to the overall delay. Case-by-case determinations would also be impossible to predict with certainty, thereby leaving all parties to proceedings before the Import Administration uncertain as to the deadlines under which they were operating. The simple, universal rule we are adopting will permit all parties to our proceedings to know immediately what deadlines apply, minimizing the overall disruption.