

## Small Entity Compliance Guide

The Department of Commerce's (the Department) Import Administration is charged with enforcing the antidumping (AD) and countervailing duty (CVD) laws. These laws provide for various types of administrative determinations, including investigations and reviews of AD and CVD orders. The Tariff Act of 1930, as amended, provides that the Department must complete its determinations within certain time limits. Thus, the Department established time limits in its regulations for submissions in AD and CVD proceedings in Part 351 of the Code of Federal Regulations. Parties may request an extension of any of the time limits established by this part pursuant to section 351.302 before the applicable time limit expires.

In general, extension requests for submissions will be considered untimely if they are filed after the applicable time limit expires. Pursuant to 19 CFR 351.303(b), submissions must be received by IA ACCESS by 5:00 pm on the date the submission is due. Parties are advised that they should not assume they will receive extensions of time before receiving written notification from the Department on the disposition of the extension request. Because of the time it takes for the Department to consider extension requests and decide on their disposition, the likelihood of receiving an extension decreases for requests that are filed close to 5:00 pm. In circumstances where the Department is not able to notify the requesting party of the disposition of the request by 5:00 pm, the submission in question would be due by the opening of business (8:30 am) on the next workday.

Submissions which are simultaneously due from multiple parties will be considered untimely if they are not submitted by 10:00 am on the date the submission is due. This standard will apply to submissions which are due from multiple parties simultaneously, where one party may obtain an advantage by reviewing other parties' submissions before the party files its own submission. Examples include case and rebuttal briefs, filed pursuant to 19 CFR 351.309; factual information to value factors under section 351.408(c) or to measure the adequacy of remuneration under section 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); comments concerning the selection of a surrogate country and surrogate values and rebuttal; comments concerning U.S. Customs and Border Protection data; and quantity and value questionnaires. The purpose of this differential treatment is to avoid circumstances where one party requests a last-minute extension in order to review other parties' timely-filed submissions and thus obtain an advantage. Parties should note, however, that the Department may elect to specify a different time by which extension requests will be considered untimely in the letter setting out the time limit. Therefore, parties should pay close attention to the letter setting out the time limit, as there could be occasions where the Department deviates from the standard 10:00 am deadline.

Extension requests must be filed in separate, stand-alone submissions. The Department must approve extension requests in writing. However, in the event that the Department does not have sufficient opportunity to approve the request in writing, particularly for extension requests filed close to the applicable time limit, it may issue a verbal response prior to the time limit and issue a written response as soon as practicable.

In the event that a party does not file its extension request before the applicable time limit expires, or before 10:00 am for submissions due from multiple parties simultaneously, parties may yet receive an extension in the event of extraordinary circumstances. An extraordinary circumstance is an unexpected event that (1) could not have been prevented if reasonable measures had been taken, and (2) precludes a party or its representative from timely filing an extension request through all reasonable means. The Department will decide whether the party has demonstrated extraordinary circumstances on a case-by-case basis. Parties should note that technical failure of IA ACCESS does not constitute an extraordinary circumstance, except in highly unique situations such as when the party and its representative are not located in the metropolitan DC area and IA ACCESS is continuously unavailable before the submission is due.

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act, this serves as a guide to assist small entities in complying with section 351.302 of the Department's regulations. In order to comply with section 351.302, each party participating in an AD or CVD proceeding, including small entities, must follow the requirements for requesting extensions of time. For instance, if a party requires an extension of a time limit established under Part 351, the party must submit an extension request through IA ACCESS by 5:00 pm on the due date. If the submission is due from multiple parties simultaneously, the extension request must be submitted to IA ACCESS by 10:00 am on the due date. If an extension request is filed after the time limit expires, or after the 10:00 am due date, the submission will be considered late barring extraordinary circumstances.

All parties must follow the time limits in the regulations, but parties may request extensions to the time limits. Refer to Part 351 of the Code of Federal Regulations for information on time limits in AD and CVD proceedings, and refer to section 351.302 for guidance on how to file an extension request. If you are participating in an AD or CVD proceeding and have questions concerning compliance with 19 CFR 351.302, contact the official in charge of that proceeding.