

United States International Trade Commission
Washington, DC

Guide to Filing Deadlines in Non-Adjudicative Investigations

The following is a guide to assist persons in timely filing documents with the Commission in non-adjudicative investigations and related proceedings. Filers should not rely exclusively on this guide; please consult the Commission's Rules of Practice and Procedure (Rules), at 19 C.F.R. parts 200-213. The filing process is governed by the Rules, and this guide should not be construed as modifying or limiting them in any way.

The guide is divided into two parts. The first part provides general information on deadlines for filing documents with the Commission. The second part is a table that provides information on the deadlines for filing specific types of documents. When used in this guide, "CBI" means confidential business information; "BPI" means business proprietary information; and "APO" means administrative protective order. References to "business" days means days other than Saturdays, Sundays, and Federal legal holidays.

I. General information on filing deadlines

If a person is filing a document in paper form with the Commission, the person must, unless the Commission specifies otherwise, file the document with the Secretary, room 112, U.S. International Trade Commission Building, 500 E Street SW., Washington, DC 20436. The hours of the Commission are from 8:45 a. m. to 5:15 p. m., eastern standard or daylight savings time, whichever is in effect in Washington, DC (Commission Rule 201.3). Please direct any questions about filing to the Office of the Secretary, tel. 202-205-2000.

With respect to certain documents, the Commission offers a filer the option of either filing in paper form or filing electronically into the Commission's Electronic Document Information System (EDIS). For information on how to file a document electronically, please refer to the Commission's Handbook on Electronic Filing Procedures, available from the Secretary and online at ftp://ftp.usitc.gov/pub/reports/electronic_filing_handbook.pdf.

If the Commission establishes a deadline for the filing of a document, and the submitter includes CBI or BPI in the document, the submitter is to file the CBI or BPI version of the document on the deadline and may file the non-CBI or -BPI version of the document no later than one business day after the deadline for filing the document. (Commission Rules 206.8, 207.3)

II. Filing deadlines for specific types of documents

The following table sets out the time for filing specific types of documents. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and Federal legal holidays are excluded from the computation of time. The Commission, the Chairman, or in a preliminary phase the Director of Investigations, may vary any of the deadlines.

Often the time for filing depends on the type of investigation in which a document is to be filed. In the table, the phrase "preliminary phase" and "final phase" refer, respectively, to the preliminary and

final phases of an antidumping (AD) or countervailing duty (CVD) investigation conducted under Title VII of the Tariff Act of 1930 (19 U.S.C. §§ 1671 *et seq.*). The word “review” refers to a five-year review conducted under Title VII, unless otherwise specified. The numbers in parentheses refer to sections of the Commission’s Rules.

DOCUMENT TO BE FILED	TIME FOR FILING
Entry of appearance	<ul style="list-style-type: none"> - In a preliminary phase, file not later than 7 days after publication of the notice of investigation in the Federal Register. (A party that files a notice of appearance during such time need not file an additional notice of appearance during the final phase of the investigation.) - In a final phase, file no later than 21 days prior to the hearing date published by notice in the Federal Register. - In a review, file not later than 21 days after publication in the Federal Register of the notice of institution, or within the period (at least 45 days) specified in the notice issued under § 207.62(c) of this chapter. - In other proceedings, file not later than 21 days after publication of the notice of investigation in the Federal Register. (201.11)
Application for limited disclosure of certain BPI under APO (in an AD or CVD investigation)	<ul style="list-style-type: none"> - Lead authorized applicant: file no later than the time that entries of appearance are due. - Other authorized applicants: file at least 5 days before the deadline for filing posthearing briefs in the investigation, or the deadline for filing briefs in the preliminary phase of an investigation. (207.7)
Application for limited disclosure of certain CBI under APO (in a safeguard investigation)	<ul style="list-style-type: none"> - Lead authorized applicant: file no later than the time that entries of appearance are due. - Other authorized applicants: file at least 5 days before the deadline for filing posthearing briefs in the investigation. (206.17)
Comment on draft questionnaires	File within a time specified by the Director of Investigations. (207.20, 207.63)
Request for confidential treatment	<ul style="list-style-type: none"> - File along with material as to which confidential treatment is being sought. - File a request relating to material to be submitted during a hearing at least 3 business days before the hearing. (201.6)
Request for exemption from disclosure of BPI under APO (in an AD or CVD investigation)	When possible, file 2 business days prior to the deadline, if any, for filing the document in which the information for which exemption from disclosure is sought is proposed to be included. (207.7)
Request for exemption from disclosure of CBI under APO (in a safeguard investigation)	When possible, file 2 business days prior to the deadline, if any, for filing the document in which the information for which exemption from disclosure is sought is proposed to be included. (206.17)

Appeal from approval of confidential treatment	File <u>with the Chairman</u> within 20 days of the approval of a request for confidential treatment or whenever the approval or denial has not been forthcoming within 10 business days of the receipt of a confidential treatment request. (201.6)
Appeal from denial of confidential treatment	File within 20 calendar days of a denial or whenever the approval or denial has not been forthcoming within 10 business days of the receipt of a confidential treatment request. The 20 day period is tolled on the filing of an amended request and a new 20 day period begins once the Secretary has denied the amended request, or the approval or denial has not been forthcoming within 10 days of the filing of the amended request. (201.6)
Brief	File by deadline published by notice in the Federal Register. (207.15, 207.23, 207.25, 207.65, 207.67)
Statement by nonparty	File by deadline published by notice in the Federal Register. (201.13, 207.23, 207.26, 207.67)
Notice of participation in a hearing	File at least 3 days in advance of the date set for the hearing or 2 days in advance of the date set for a prehearing conference, whichever occurs first. (201.13)
Request for a closed session at a hearing	File no later than 7 days prior to the date of the hearing. (201.13, 207.24)
Witness list	File simultaneously with notice of participation in a hearing (201.13)
Witness testimony	- File no later than 3 days before the conference in a preliminary phase. (207.15) - File no later than 3 business days before the hearing in a final phase. (207.24)
Request to use easels, audio visual, and similar equipment in the course of hearing	File at least 3 business days before the hearing. (201.13)
Answers to questions or requests posed at a conference or hearing	File within a time specified by the official presiding at the conference or hearing. (207.15, 207.25, 207.67)
Proposed revisions to a transcript	Within 10 days of the completion of a hearing, but in any event at least 1 day prior to the date for final disclosure of information set pursuant to Rule 207.30(a) or 207.68(a). (207.24)
Final comment on information	File by deadline published by notice in the Federal Register. (207.30, 207.68)

Comments on what determination the Commission should reach in an expedited review	File by deadline published by notice in the Federal Register. (207.62)
Comments on whether the Commission should conduct an expedited review	File by deadline published by notice in the Federal Register. (207.62)
Comments on whether the Commission should institute a changed circumstances review.	File by deadline published by notice in the Federal Register. (207.45)
Response to notice of institution of a five year review	File no later than 50 days after its publication in the Federal Register. (207.61)
Submission relating to anticircumvention	File no later than 14 days after publication of a notice in the Federal Register. (207.28)
Notification of destruction of BPI or CBI	Unless otherwise specified by the Secretary, file within 60 days of the completion of the investigation, except that if judicial or panel review is sought in a preliminary phase, final phase, or review, alternative deadlines are set by the APO