



UNITED STATES DEPARTMENT OF COMMERCE  
International Trade Administration  
Assistant Secretary for Enforcement & Compliance  
Washington, D.C. 20230

January 27, 2016

MEMORANDUM FOR: The Record

FROM:

  
Ron Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

SUBJECT: Tolling of Administrative Deadlines as a Result of the Government Closure during Snowstorm "Jonas"

After careful consideration, Enforcement and Compliance (E & C) has determined that the impact of the recent Government closure during Snowstorm "Jonas" will best be minimized by uniformly tolling all E&C deadlines for four business days. (The Government was partially closed on January 22, fully closed on January 25-26, and under a delayed opening on January 27.) The day on which any submission to E&C is due should be calculated under the regulations as usual, except with the addition of four business days. This determination applies to every proceeding before E&C, including proceedings relating to foreign trade zones and statutory import programs. It includes deadlines for actions by E&C (such as preliminary and final determinations in investigations and administrative reviews in antidumping duty (AD)/countervailing duty (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 E&C 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 E&C 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. E&C also was not available to consider requests for extensions of deadlines during the closure.

In theory, E&C 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 E&C 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.



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