

For market-economy investigations, Commerce normally examines pricing information for the four most recently completed fiscal quarters as of the month preceding the month in which the petition is filed (i.e. the period of investigation). Commerce may, however, examine any additional or alternate period deemed appropriate.²⁰

5.1 Preliminary Determinations

In its preliminary determination, Commerce must determine whether there is a reasonable basis to believe or suspect that the merchandise is being sold, or is likely to be sold, at LTFV. If Commerce's preliminary determination is affirmative, liquidation of the subject merchandise is suspended and provisional duties are applied equal to the dumping margin preliminarily determined. The provisional duties usually take the form of a bonding requirement equal to the estimated duty rate for each subsequent entry of the merchandise to ensure payment if dumping duties are ultimately imposed. These measures may normally be in place for a maximum of 120 days. If the preliminary decision is negative, no suspension of liquidation occurs and the Commerce investigation simply continues. However, in such a circumstance the ITC does not commence its final investigation until after, and if, Commerce issues a final affirmative determination. The ITC's final determination is then due within 75 days after Commerce issues its final determination, instead of the usual 45 days.

All parties may comment on Commerce's preliminary determination and on the subsequent verification report (as discussed above). Commerce holds conferences to discuss issues with the parties. Case briefs and rebuttal briefs may be filed before such a conference. All comments received, whether from petitioners or respondents, are addressed in the final determination, and Commerce explains how it has addressed each comment.

5.2 Final Determinations

Commerce must normally issue its final determination within 75 days of the preliminary determination. The final determination must include the factual and legal conclusions on which it is based, and the estimated anti-dumping duty rate for each party investigated. Given that Commerce performs an on-site verification of the questionnaire responses provided by the exporters or producers, it is not unusual for the margins found in the final determination to differ from those found in the preliminary determination. If either final determination is negative, the investigation is terminated, including any suspension of liquidation that may be in effect; all estimated anti-dumping duties are refunded with interest, and all bonds or other security are released. Upon issuance of an affirmative final dumping determination by Commerce and an affirmative final injury determina-

20 19 CFR 351.204 (b).