

### 4.3 Verification

Commerce is required to verify all the information it relies upon in making a final determination in an original investigation or revocation. In an annual review, verification will occur if requested by a domestic interested party and if there has been no verification during the two immediately preceding reviews. Otherwise, verification is discretionary. Commerce must obtain agreement from the foreign persons being verified and must notify the foreign government concerned regarding the verification. If the party being examined or the foreign government objects to the verification, Commerce will not conduct the verification and instead will rely on the facts available to make its determination. Commerce produces a report following the verification process, and offers an opportunity for both the petitioners and respondents to make submissions and offer comments.<sup>15</sup>

### 4.4 Treatment of Information

Information submitted to either Commerce or the ITC is treated as public unless designated as "proprietary information." Parties asserting proprietary status for their submissions must justify to Commerce or the ITC why each piece of information should not be disclosed.<sup>16</sup> Non-confidential summaries of proprietary information must be filed concurrently with the submissions. If accepted as proprietary information, the material so designated may be released to certain specified individuals under an administrative protective order (APO). Attorneys or other representatives of interested parties may gain access to proprietary submissions of respondents if they have established a sufficient need for the information and can adequately protect its proprietary status. Violation of APOs may result in sanctions or even disbarment from practice before the agency in question.<sup>17</sup>

Notices of initiation and suspension decisions, preliminary and final determinations, and reviews (including the facts and conclusions supporting the determinations) must be published in the *Federal Register*.

### 4.5 Like Product and Scope Determinations

Issues sometimes arise as to whether a particular product is included within the scope of an anti-dumping investigation. In such cases, Commerce may issue "scope rulings" that clarify the scope of an order with respect to particular goods.

The rulings are intended to ensure that the imported goods are being compared to similar U.S.-produced goods or "like products." A "like product" is defined by the Tariff Act of 1930 as "a product that is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation."

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15 19 U.S.C. § 1677e (b) (1994).

16 19 U.S.C. § 1677f (b) (1994).

17 19 U.S.C. § 1677f (c) (B) (1994).