completion of the investigation. If the
target date does not exceed 16 months
from the date of institution of the in-
vestigation, the order of the adminis-
trative law judge shall be final and not
subject to interlocutory review. If the
target date exceeds 16 months, the
order of the administrative law judge
shall constitute an initial determina-
tion. After the target date has been
set, it can be modified by the adminis-
trative law judge for good cause shown
before the investigation is certified to
the Commission or by the Commission
after the investigation is certified to
the Commission. Any extension of the
target date beyond 16 months, before
the investigation is certified to the
Commission, shall be by initial deter-
nmination.

(b) Temporary relief. The temporary
relief phase of an investigation shall be
concluded and a final order issued no
later than 90 days after publication of
the notice of investigation in the FED-
ERAL REGISTER, unless the temporary
relief phase of the investigation has
been designated “more complicated”
by the Commission or the presiding ad-
ministrative law judge pursuant to
§ 210.22(c) and § 210.60. If that designa-
tion has been made, the temporary re-
lief phase of the investigation shall be
concluded and a final order issued no
later than 150 days after publication of
the notice of investigation in the FED-
ERAL REGISTER.

(c) Computation of time. In computing
the deadlines imposed in paragraph (b)
of this section, there shall be excluded
any period during which the investiga-
tion is suspended pursuant to §210.23.

[59 FR 39039, Aug. 1, 1994, as amended at 59
FR 67629, Dec. 30, 1994; 61 FR 43432, Aug. 23,
1996; 73 FR 38326, July 7, 2008]

Subpart H—Temporary Relief

§ 210.52 Motions for temporary relief.

Requests for temporary relief under
section 337 (e) or (f) of the Tariff Act of
1930 shall be made through a motion
filed in accordance with the following
provisions:

(a) A complaint requesting tem-
porary relief shall be accompanied by a
motion setting forth the complainant’s
request for such relief. In determining
whether to grant temporary relief, the
Commission will apply the standards
the U.S. Court of Appeals for the Fed-
eral Circuit uses in determining wheth-
er to affirm lower court decisions
granting preliminary injunctions. The
motion for temporary relief accord-
ingly must contain a detailed state-
ment of specific facts bearing on the
factors the Federal Circuit has stated
that a U.S. District Court must con-
sider in granting a preliminary injunc-
tion.

(b) The motion must also contain a
detailed statement of facts bearing on:
(1) Whether the complainant should
be required to post a bond as a pre-
requisite to the issuance of temporary
relief; and
(2) The appropriate amount of the
bond, if the Commission determines
that a bond will be required.

(c) In determining whether to require
a bond as a prerequisite to the issuance
of temporary relief, the Commission
will be guided by practice under Rule
65 of the Federal Rules of Civil Proce-
dure.

(d) The following documents and in-
formation also shall be filed along with
the motion for temporary relief:
(1) A memorandum of points and au-
thorities in support of the motion;
(2) Affidavits executed by persons
with knowledge of the facts asserted in
the motion; and
(3) All documents, information, and
other evidence in complainant’s posses-
sion that complainant intends to sub-
mit in support of the motion.

(e) If the complaint, the motion for
temporary relief, or the documentation
supporting the motion for temporary
relief contains confidential business in-
formation as defined in §201.6(a) of this
chapter, the complainant must follow
the procedure outlined in §§210.4(a),
210.5(a), 210.6 (a) and (c), 210.8(a), and
210.55 of this part.

[59 FR 39039, Aug. 1, 1994, as amended at 59
FR 67629, Dec. 30, 1994; 60 FR 32444, June 22,
1995]

§ 210.53 Motion filed after complaint.

(a) A motion for temporary relief
may be filed after the complaint, but
must be filed prior to the Commission
determination under §210.10 on whether
to institute an investigation. A motion
filed after the complaint shall contain