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U.S. International Trade Commission
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[USITC online FOIA Request Form](#)

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UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C. 20436

June 27, 2022

VIA EMAIL

Re: USITC Freedom of Information Act Request 22-44

This letter serves as the U.S. International Trade Commission's ("USITC") response to your Freedom of Information Act ("FOIA") request, dated and received June 28, 2022, in which you requested:

"A copy of the administrative manual or administrative handbook for USITC. The enclosed document is a part of this manual in FOIA 22-36."

We have found a document responsive to your request and have enclosed it here. We made redactions to the document pursuant to FOIA Exemption 5, 5 U.S.C. § 552(b)(5), Exemption 6, 5 U.S.C. § 552(b)(6), and Exemption 7E, 5 U.S.C. 552(b)(7)(E). Exemption 5 pertains to information that is subject to privilege. Specifically, the information redacted under Exemption 5 is protected by the deliberative process privilege. Exemption 6 protects from disclosure information about individuals when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy." Exemption 7(E) protects law enforcement information that "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law." I considered the foreseeable harm standard when reviewing responsive records and applying FOIA exemptions to those responsive records. Therefore, the disposition of your FOIA request is "granted in part."

You may contact our FOIA Public Liaison, Sharon Bellamy, for any further assistance or to discuss any aspect of your request at: sharon.bellamy@usitc.gov or (202) 205-2595. You may also contact me at katherine.hiner@usitc.gov or (202) 205-2606.

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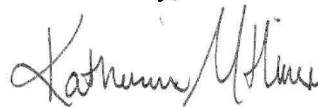
Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770; Fax: 202-741-5769; Toll-free: 1-877-684-6448

If you are not satisfied with the response to your request, you may file an administrative appeal of any adverse determination. We must receive your appeal within 90 calendar days of the date of this letter. You should clearly indicate both on the envelope and in the letter that it is a "Freedom of Information Act Appeal." Your appeal should clearly state the grounds upon which you believe this denial of access is in error. For further information on appeal procedures, see 19 C.F.R. § 201.18, attached. Address your appeal to:

The Chairman
U. S. International Trade Commission
500 E Street, SW
Washington, D.C. 20436

You may also send your FOIA appeal electronically to FOIA.Appeal@usitc.gov. You should put "FOIA Appeal" in the subject line, and the body of your email should contain a description of the appeal, as well as note the FOIA # you are appealing.

Sincerely,



Katherine M. Hiner
Acting Secretary to the Commission
& Chief FOIA Officer

Enclosures

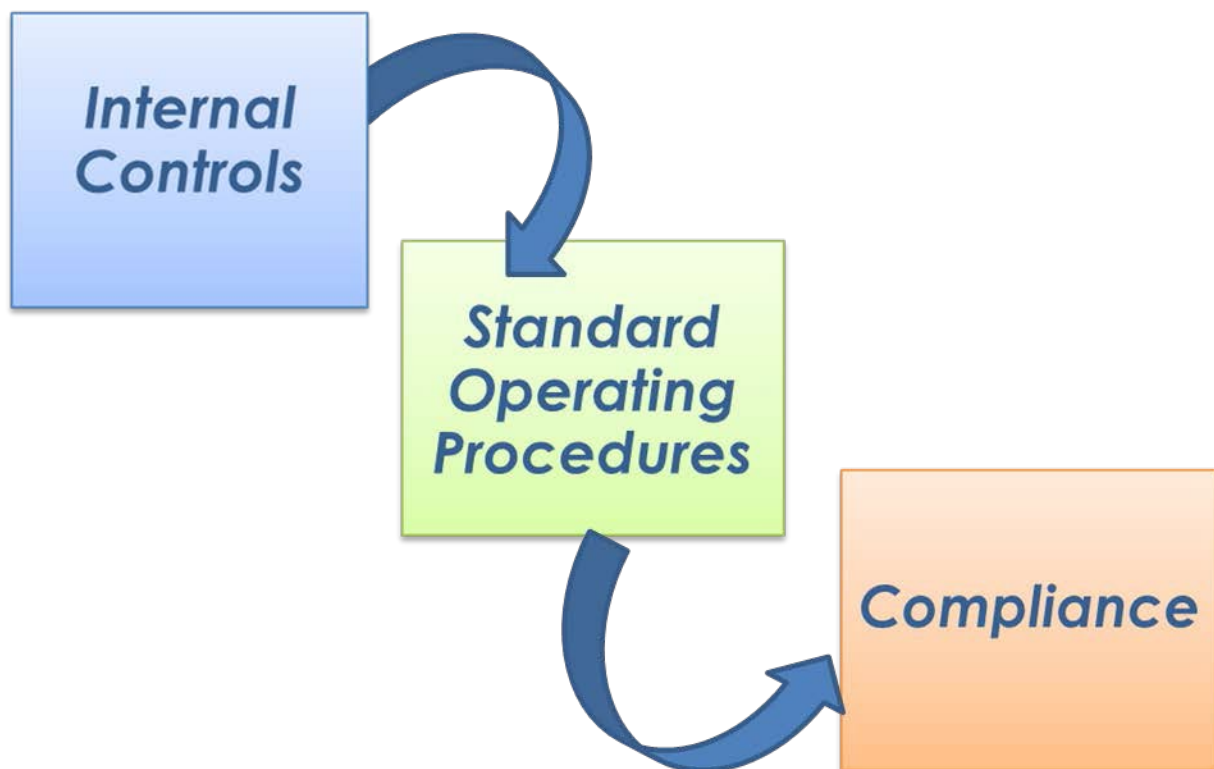
1. FOIA 22-44 Released Document
2. 19 C.F.R. § 201.18(a)



U.S. INTERNATIONAL TRADE COMMISSION

OFFICE OF THE SECRETARY

HEARINGS AND INFORMATION DIVISION



STANDARD OPERATING PROCEDURES

Document Control

Effective Date

This document expires when superseded or canceled by the Secretary to the Commission.

Version Number	Edited By	Effective Date	Description
5.0	Bill Bishop	09/12/19	Issued



Lisa R. Barton
Secretary to the Commission

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I. Introduction

The United States International Trade Commission (USITC) is an independent and quasi-judicial agency that conducts studies, reports, and investigations. These are conducted at the request of the President or as a result of a petition. At the conclusion of these it makes recommendations to the President and the Congress for resolutions to a wide range of international trade issues.

1.1 Purpose

The Office of the Secretary, Hearings and Information Division Standard Operating Procedures Manual is developed to promote operational efficiency and effectiveness, safeguard records, and encourage adherence to prescribed policies, and comply with applicable laws and regulations. The Standard Operating Procedures Manual is intended to be used as a reference manual by all Hearings and Information Division staff members. The Hearings and Information Division staff members should notify the Secretary or Supervisory Hearings Officer when changes and/or improvements may be required prior to the annual review of the Standard Operating Procedures Manual.

II. Responsibilities

2.1 Office of the Secretary

The mission of the Office of the Secretary is to maintain the official records and documents of the U.S. International Trade Commission (USITC). The position of Secretary is provided for by statute (Section 331(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1331(a)).

The Office of the Secretary compiles and maintains the Commission's official records, including petitions, briefs, and other legal documents. The Secretary oversees and preserves the official records of the USITC, makes determinations on requests for confidential treatment of information, maintains the list of potential Administrative Protective Order breaches, requests for information to be released under protective order, and requests under the Freedom of Information Act.

In addition, the Secretary is the custodian of the USITC Seal, maintains the Official Filings Desk and the Public Reading room, serve as the Freedom of Information Act (FOIA) Officer and Privacy Act Officer. The Secretary has lead policy responsibilities for the Electronic Document Information System (EDIS) and e-filing and serves as a contact point for public inquiries and dissemination of USITC publications and other documents.

2.2 Hearings and Information Division

The Hearings and Information Division is responsible for the management of hearings, maintenance of the voting record of the Commission, official minutes of Commission actions, Commission historical documents, and serves as a control point for executive correspondence and all other documents circulated through the Commission. The division also directs and/or supports a significant part of the Commission's Records Management, Freedom of Information Act, Privacy Act programs, and acts as the Government Passports Agency Acceptance Agent and providing notary services.

Under the direction of the Secretary, the division issues official Commission notices, reports, and orders; maintains records of Commission meetings and hearings; prepares the agenda and official minutes for Commission meetings and hearings, including the calendar of witnesses, and all logistical details.

2.3 Roles and Points of Contact

Role	Point of Contact
Supervisory Hearings and Information Officer	Supervisor for Hearings and Information Division. Primary point of contact for hearings, Commission meeting minutes, voting record of the Commission, Commissioner data (i.e., terms, biographies, etc.), action jackets, courtroom scheduling, notary, and passport services
Records Management Specialist	Primary point of contact for electronic/paper records, internal forms, and physical exhibits
Program Support Specialist	Primary point of contact for hearings and meetings, notary, notices, passport services, internal processing of presidential packages, transcripts, and serves as the task manager regarding billing issues with the Federal Register notices
Information Services Specialist/FOIA Public Liaison	Primary point of contact for FOIA/Privacy Act requests, Administrative Protective Order Breach handling, NSI reports, mailing lists, and publication processing and printing requests
Information Assistant	Primary point of contact for bonds, Confidential Business Information (CBI) requests, Correspondence, CBP packages, and initial 337 service lists

III. Procedures Concerning Commissioners

3.1 Commission Appointments

Contacts

After the President announces the nomination of a new Commissioner, there are several steps that must be taken, as follows:

- The Commissioners' briefing book should be updated.
 - The Office of the Secretary (OSE) updates the briefing book volume that provides an overview of agency offices and senior staff, and support provided by the OSE.
 - The Office of Administration updates the briefing book volume that discusses administrative matters such as office budget, use of the agency car, and office staffing.
 - The Secretary can either provide both volumes to the new Commissioner, or each office can provide the volumes separately.
- Make contact with the White House Executive Secretary (b) (6)) to begin communication process.
 - Let the Executive Secretary know that you would like to be updated on anything that may be happening with the appointee.
- Call the appointee to introduce yourself and offer any assistance he/she may need.
- Stay in touch with the Congressional Relations Officer so that you will know when the confirmation hearing is scheduled and when the Senate vote is scheduled.
- As soon as the confirmation hearing is scheduled, contact the appointee to discuss his/her swearing-in. Below are a few issues to discuss:
 - An appointee can be sworn in as soon as the President has signed the Appointment Commission.
 - Inform the appointee of the various methods a Commissioner can choose for his/her swearing-in.

- Usually the Secretary or Chairman swears in the new Commissioner and this may be done in the Main Hearing Room, the Commissioner’s new office, the Chairman’s Office, or the Secretary’s office.
- The ceremony can be simple or could include the entire Commission, only friends and family, or certain invited guests.
- Swearing-in ceremony “extras” such as food or beverages are paid for by the new Commissioner.
- The new Commissioner may use his/her own Bible, if they desire a Bible.
- A photographer should always be available for photos.
- The Commissioner might want to have someone (e.g., a judge) swear him/her in at a location other than the USITC.

Emails

There are several e-mails that must be sent to the Commission staff throughout the process.

- When the President announces the nomination the following email must be sent: “The White House has announced [or has informed me] that President XX made an appointment naming XX as a Commissioner, for the seat currently occupied by Commissioner XX. I will send further details later.”
- When the Commissioner is sworn in the following email must be sent: “Today at 3:00 p.m., XX was sworn in as the United States International Trade Commission Commissioner, for a term expiring XX. The President signed his commission of appointment on XX.”
- When the President appoints a Chairman/Vice-Chairman the following email must be sent: “President XX has appointed XX as Chairman of the USITC, and XX as Vice Chairman, for a two-year term, effective XX [usually June 16, XX].”

After the new Commissioner is on board, the Secretary offers his/her assistance to take the new Commissioner on a tour of the entire Commission and staff.

Note: This is a difficult scheduling process, but the earlier the new Commissioner meets the Commission staff, the more likely it is to happen (i.e., if the new Commissioner waits very long to tour the Commission, it usually doesn’t happen because he/she is settled in and too busy.)

Clerical Tasks

A new nameplate for the bench must be ordered. If there are any changes in the seating arrangement the phone listings must be revised. An email should be sent to all USITC employees announcing the new order of the Action Jacket circulation. A new random vote order and questioning order must be created.

Note: Most importantly, make sure to be available for the new commissioner for any questions he/she may have.

3.2 Chairman Appointments

A Commissioner serves as Chairman for a 2 year term. The President appoints the Chair- and Vice Chairperson. They must be from 2 opposing parties. A Commissioner can only be Chairman if they have served on the Commission for **more than a year. In certain circumstances, the Senate may grant an exception to the “one year rule”, but it is rare.**

The White House calls OSE and relates the President’s appointment for Chairman and Vice Chairman. The Secretary needs to:

- Alert the Chairman, the appropriate Commissioners and External Relations about the appointment.
- Send an agency-wide email once the Commissioners are notified.
- An email with the new Seniority and Action Jacket circulation order needs to be sent.

The Secretary should have a meeting with the new Chairman and his/her staff and answer any questions they may have – this can be very informal. During this meeting the Secretary should:

- Clarify new responsibilities that are included in the Office of the Chairman as they relate to Commission hearings and meetings.
- Ask about seating arrangements in the Hearing Room. The Chair and Vice Chair are usually located in the center of the dais
- Discuss seating changes with any affected Commissioners
- Make appropriate changes in the Main Hearing Room

Hearings and Information staff will also need to change the seating chart and name plates beneath the portraits of the Commissioners.

3.3 Appointment Affidavit

Once the White House contacts the Secretary that the new Commissioner's commission has been signed by the President and the Secretary of State, arrangements should be made to go to the State Department and pick-up the Commission.

An Appointment Affidavit (2 copies) will be included in the tube with the Commission. The affidavits must be signed by the new Commissioner and notarized when the swearing-in occurs. One copy of the completed affidavit is given to Human Resources for the Commissioner's official file; a copy is given to the new Commissioner; a copy is kept in the Secretary's Commissioner files.

3.4 New Seniority

Seniority is established by length of service except for the Chairman and Vice Chairman which are always the most senior regardless of length of service. OSE will send an e-mail on seniority order when the seniority order changes.

When a new Commissioner comes in, there will most likely be a new seating arrangement on the dais in the Main Hearing Room. Commissioners may choose where they sit, according to seniority. Make sure to ask each Commissioner in seniority order where he/she would prefer to sit, and then prepare a new seating chart accordingly. Chairman and Vice Chairman usually sit in the middle of the dais.

3.5 Voting and Vote Record

Commissioners may not vote by proxy. A Commissioner must either vote in person or by phone.

- By Phone
 - If a Commissioner is not available to be present for a vote, they may vote via telephone
 - Instructions can be found in the Commission Meeting binder

The Hearings and Information Division maintains the Commissioners' voting record. A record is kept on each investigation including the votes of each Commissioner. The Hearings and Information Division staff updates this database after every vote of the Commission. The compiled vote record of each Commissioner is not accessible to the public.

3.6 Recusals

Recusal memoranda are filed with the Secretary. The Hearings and Information Division staff:

- Files the memorandum on EDIS
- Maintain a master list, and
- Provide a copy of the recusal listing to Docket Services staff; the Deputy Agency Ethics Official

Whenever a new recusal memorandum is received the master list is updated and circulated to all Commission offices and to Docket Services staff. Docket Services uses this memorandum to keep track of who is recused (not participating) and to limit distribution of filed documents.

In most instances, each Commissioner notifies his/her confidential assistant of recusal in specific investigations. If filings related to these investigations are received in the office, they are refused and returned. (Usually they are returned to the Secretary.)

3.7 Expiration of Term

A Commissioner is appointed to a nine year term. At the end of this term if no new Commissioner has been named the Commissioner may continue to serve at the discretion of the President until a successor is named.

IV. Commission Conferences, Hearings, and Meetings

4.1 Commission Preliminary Conferences

The purpose of this conference is to allow parties to present their views with respect to the subject matter of the investigation to assisting the Commission in determining whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports.

Conference Testimony

In connection with its presentation, a party may file witness testimony with the Secretary no later than three business days before the conference. ([See 19 CFR § 207.15](#))

Parties must submit any requests to present a portion of their conference presentation *in camera* not later than three business days prior to the conference. Any such requests must justify in detail the need for a closed session ([See 19 CFR § 201.13\(m\)](#)).

Speakers will not be sworn in, but are reminded of the applicability of 18 U.S.C. § 1001 in providing false or misleading statements, and to the fact that the record of this proceeding may be subject to court review if there is an appeal.

Request to Appear at a Conference

Notices of participation and witness lists are due to be filed with Supervisory Hearings and Information Officer and Program Support Specialist not later than two business days before the conference. These requests should only be e-mailed to the Supervisory Hearings and Information Officer and the Program Support Specialist; they should not be filed on EDIS. Failure to provide witness lists on time may result in the witness not being allowed to testify. This submission should also include specific time requests, as well as any requests for special equipment such as audio visual equipment and easels.

Time Limits

Each **side** is allocated one hour for its presentation at the conference. In addition, each **side** is allocated five minutes for an opening statement and ten minutes for a closing statement. In investigations where there are multiple parties testifying for one side, the parties are encouraged to divide up the time themselves; if they cannot, allocations will be made by the Office of Investigations prior to the conference.

4.2 Scheduling Hearings and Meetings

The Supervisory Hearings and Information Officer will schedule a [courtroom](#) for hearings and meetings based on the following information:

- Suggested - the date suggested by Office of Investigations in work schedule
- Proposed - the date/time proposed by the Supervisory Hearings and Information Officer in a bi-monthly proposal memorandum
- Tentative - when all Commissioners have tentatively approved the meeting date/time via e-mail in response to the proposed memorandum
- Approved - after all Commissioners have approved the action jacket of the proposed agenda for the meeting

4.3 Commission Hearings

Actions Prior to a Hearing

The Hearings and Information division staff is responsible for keeping track of requests to testify and lists of witnesses for hearings. A hearing folder containing the below listed information is located at (b) (7)(E)

Each individual hearing has its own folder.

- Notice(s) of Investigation with work schedule and any revised notices and work schedules
- Forms for:
 - Draft of minutes
 - Memorandum of record
 - Closing statement
 - Visual audio equipment request
 - Court reporter form
- Copies of notices for each hearing and revised notices

Calendar

A day or so after the appearances are due a working draft of the tentative calendar is prepared. Once the witness list is prepared it should be electronically distributed to Confidential Assistants, the Supervisory Investigator, Investigator, and Attorney Advisor of the investigative staff.

- This email should include:
 - Tentative Calendar of Witnesses
 - Questioning Order

Once the Commissioners and staff approve the witness list, it should be electronically sent to the various parties along with an audio visual request form.

- In the hearing room there should be at least 75 copies of the tentative witness calendar, to be distributed as follows:
 - 1 to each Commissioner and their staff (12 total)
 - 2 to court reporter
 - 6 to investigative staff (one each)
 - 3 for Hearings and Investigation division staff

- Additionally there should be:
 - 3 copies of the Opening Statement
 - Chairman, Supervisory Investigator, Secretary
 - 20 copies of the questioning order
 - 1 each Commissioner, Commissioner Staff, Secretary, Supervisory Investigator, Tyrone, Red folder
 - 3 copies of the Chairman script
 - Chairman, Supervisory Investigator, Red folder
 - 4 copies of the court reporter form
 - 2 for the court reporter, Supervisory Investigator, Red folder

Additional Tasks

Discuss with parties who will be doing the opening and closing remarks (5 minutes each side).

Note: They may not know at the time of the call and you may have to get back with them.

Make sure to check with the Chairman's Office to see if the Chairman is chairing the hearing. Hearings and Information staff must find out **who will chair and change the name on the Opening Statement.**

If someone other than Chairman is chairing the hearing, make sure you use the appropriate letterhead, i.e., Vice Chairman, Commissioner. Additionally find out which staff person is working on the hearing.

Hearing Room

The Hearing room should be clean and set up in an orderly fashion. The Supervisory Hearings and Information Officer or Program Support Specialist will ensure that the required electronics, tables, etc. are available for the hearing.

The Secretary, or designee, should ensure that there are enough seats for all parties who will be sworn in.

On the morning of the hearing, water should be set out on all the tables and at each Commissioner's seat and staff table. Copies of all testimony and other documents should be made for:

- Each Commissioner
- Staff of the Commissioner
- Investigative Staff
- Hearings and Information Staff
- Office of External Relations
- At least 50 extra copies for member of the public who are present (This may change in accordance with the size of the hearing.)

Make sure all name signs are printed and correct.

Hearing Process

All witnesses must be sworn in prior to providing testimony. The oath is as follows:

“Do you swear (or affirm) that the testimony you will provide today is the truth, the whole truth, and nothing but the truth?”

Congressional witnesses and Ambassadors are not sworn in.

Hearing Testimony

As indicated in the Commission's *Rules of Practice and Procedure*, parties must submit a prehearing brief that concisely presents their case (See 19 CFR § [207.23](#)). Testimony at the hearing is to be limited to a summary of the information and arguments contained in other parties' prehearing briefs, and information not available at the time prehearing briefs were filed (See 19 CFR § [207.24\(b\)](#)).

In connection with its presentation, a party may file witness testimony with the Secretary no later than three business days before the hearing (See 19 CFR § [207.24\(b\)](#)). Up to five pages of supplemental material (e.g., charts and diagrams) may be filed at the hearing (See 19 CFR § [201.13\(f\)](#)).

Parties must submit any requests to present a portion of their hearing presentation *in camera* not later than seven days prior to the hearing. Any such requests must justify in detail the need for a closed session (See 19 CFR § [207.24\(d\)](#)).

Questions

Commissioners will direct their questions to hearing participants upon the completion of each panel's presentation. Each Commissioner is allotted ten minutes per round for questions and responses thereto. These rounds will continue until the Commissioners have completed their questioning.

Time Limits

Time allocations for presentations at the hearing will be made at the Commission's prehearing conference (one hour per side is normal), if necessary. Except for the additional time discussed below for opening and closing statements, time allocations include time for direct testimony and questioning of the opposing side, if desired (see below). Each side is allocated five minutes of time (in addition to the specific time allocations discussed above) at the beginning of the hearing to present a brief summary of their arguments, and another five minutes (also in addition to the specific time allocations discussed above) at the end of the hearing to present a rebuttal statement and/or closing summary regarding their case (further, any unused time from that allocated for direct testimony and questioning may be used for the rebuttal/closing summary). In investigations where there are multiple parties testifying for one side, the parties are encouraged to divide up the time themselves; if they cannot, allocations will be made by the Commission.

Should one side wish to question the other side's witnesses, only the time spent in asking questions will be deducted from their overall allocation of time, i.e., not the answer to the question. However, the Chairman may curtail answers that are not responsive to questions posed.

The Secretary, or designee, will display a yellow warning light one minute before the expiration of allocated time and a red light at the expiration, at which time the parties should not continue speaking without leave from the Chairman.

Title VII Hearings

Each side is given a set amount for direct testimony and the Commissioners have a set amount of time to ask questions. The Secretary, or designee, is the official timekeeper and a light system (green/yellow/red warns the parties when their time is almost up and when it is over.

The Secretary, or designee, should use the green/yellow/red light system to give time references:

- Have green light on at start
- One minute before time expires turn off green and turn on yellow
- When time expires turn on red and turn off yellow

The Secretary, or designee, records the amount of time each party uses in direct testimony and the amount of questioning time of each Commissioner. There are opening statements from each side, followed by direct testimony from each side. After the presentation the Commissioners may ask questions.

332 Hearings

These types of hearings have fewer restrictions because they are fact finding hearings. Panels or witnesses are usually given 10 minutes each to present their position/information. Questioning is allowed only by the Commissioners and staff.

Section 337 Hearings

These hearings are usually conducted by the ALJ's but on rare occasions the Commission will hold a 337 hearing. The Commissioners should be asked how they wish the hearing to proceed in such an instance. It would most likely be some combination of 332 and Title VII procedures.

In Camera Sessions

All Hearings held by the Commission are open to the public unless the Commission deems necessary for reasons of disclosure of confidential information, relating solely to internal matters, or matters of national security to close the whole or part of a hearing to the public.

If the Commission chooses to close the hearing:

- Make sure the back door to the hearing room is locked
- Make sure the back door to the Commission Ante Room is locked and the volume on T.V. in Commission ante room is turned down
- Make sure the sign regarding no eating, drinking, or cellular phones is placed in front of the main door of the hearing room. A Hearings and Information division staff member will usually stand out in the outer lobby in front of the doors.
- Only signatories to the Administrative Protective Order (APO) are permitted in *In camera* hearings. Each witness must present a photo ID to remain in the room. An APO service list is kept in the hearing folder to check off each participant.

Regular Hearings

Set up the following on the public distribution table:

- Tentative calendars
- Notice(s) of investigation
- Copies of seating diagram (original in the drawer by the Secretary=s desk)

- Transcript order forms

Copies of party statements (if any) should be given to (22 total):

- 1 to all Commissioners and their staff (12)
- 1 for the court reporter
- 1 for the folder
- 1 for ER
- 1 to each investigative staff (6)

Upon receiving any materials from the parties in the hearing room make inquiries as to whether they have filed the materials prior to the hearing. If they have, then take the materials and inform the Secretary, or designee, that they have already been entered into the record and should be distributed. If they have not, inform the parties that the Secretary will have to get clearance from the Chairman prior to any distribution.

If there are any changes in names, make sure the Commissioners' calendars are changed before the hearing starts. The Secretary, or designee, will announce any witness additions as preliminary matters at the end of the Chairman's opening statement.

Note: Changes should be given to the Court Reporter as well. Immediately after

the hearing adjourns:

- Check the bench and tables for CBI
- Put away equipment (watches, etc.)
- Make sure a copy of the finalized calendar is given to the Investigator or Industry Analyst

Field Hearings

When preparing for a field hearing certain supplies and equipment must be provided for in order for the hearings to proceed properly. Field hearings are organized by the Public Affairs Officer (securing location, hotel, sound and audio visual requirements, etc.)

Make sure you have secured:

- Office supplies
 - Basic: stapler/staples, pens and pencils, paper, Post-It Notes, envelopes, etc.
 - Special: markers, heavy stock paper (for name signs)

Bare minimum needs for Commission hearing:

- Table seating for:
 - 6 Commissioners
 - Commissioner staff (number varies)
 - Investigative staff (number varies)
 - Secretary staff (number varies)
 - Court reporter and recording capabilities
 - Witnesses (number varies)
- Auditorium seating for general public/press/congressional (number varies)
- Technology needs:
 - Microphones for Commissioners and witnesses
- Equipment needs
 - Gavel and block
 - 2 stop watches
 - Green/yellow/red warning light system for timing purposes
- General Counsel
- Publishing Facilities Management
- Chairman and interested Commissioners

Cancellation

If there are no appearances scheduled the day after they are due contact the investigator who will contact the Chairman's office.

If the Hearing has been formally cancelled by the Chairman:

- A notification should be sent out about the cancellation to the Commissioners, the Chairman's staffer, the investigative staff, and ER
- Confirm with the court reporter that the hearing has been cancelled

4.4 Commission Meetings

It is the responsibility of Hearings and Information staff to work with the Commissioners and their aides to set the agenda for Commission meetings.

Commission Meetings are attended by the Secretary or his/her designee. Arrival time is **at least 30 minutes prior to the beginning of the meeting** in order to finalize set-up and ensure that the court reporter is present.

Commissioners Attendance

All commissioners will vote either in person or by phone unless they have recused themselves. Sometimes a Commissioner will not vote. **Proxy voting is not allowed.**

Those Commissioners voting by phone should be called about 5 minutes before the start of the vote. They should be called in reverse seniority order.

Order of the Meeting

The Commission meeting normally follows the agenda however the Chairman may add comments or change the agenda. The Hearings and Information staff also prepares a script for the presiding Chairman.

The Secretary or designee calls roll once the Chairman has called for the vote. The roll is called in accordance with the established random vote order and each Commissioner has an equal vote including the Chairman and Vice Chairman so each is referred to as "Commissioner".

The Secretary records the vote of each commissioner and immediately after the Commissioners have voiced their vote the Secretary, or designee, will verbally summarize the vote. ***(Note: If you are unable to reach a Commissioner via telephone, the meeting will be in recess until the Commissioner can be reached (no vote results will be announced). The meeting will reconvene with the Chairman, the Commissioner via telephone, the Hearings Officer and the Court Reporter. The vote results will be announced at that time. If, for some reason, the Commissioner cannot be reached, the Commissioner may not cast their vote(s) but are still able to submit their views/opinions.)***

If the vote has potential to be complicated then the Secretary, or designee, should prepare a grid in which to record the vote clearly. A **tie vote** of an **investigation** is **affirmative**. A **tie vote** for a **motion** is **negative**.

Miscellaneous Clerical Tasks

The official Naval Observatory Time number is (202) 762-1401. Call this number to check if the clock in the hearing room is correct.

Do not forget to keep the log in the back of the Meetings notebook. This is to record the date that the official minutes are signed by the Secretary and forwarded to the Chairman for signature.

Proposal Meetings Memorandum

The Supervisory Hearings and Information Officer prepares the proposal meetings memorandum. This memo is delivered to **Commissioners, OGC, OINV, ER, and OSE** (see “cc” distribution on memorandum).

The Office of Investigations suggests meeting date(s) in the work schedule; the Secretary proposes the date and time. There is a tentative agreement when each Commissioner tentatively agrees to the proposed date. The date is approved after the action jacket is circulated and approved.

If a Commissioner doesn't agree with a date or time, and proposes another date/time, Hearings and Information staff should send an e-mail stating, “Commissioner X has proposed that the meeting to consider (product), be held on (Month, Date, Day, Time) rather than the earlier proposed date.”

Follow the same procedures for each proposal. Include the Investigative Team, Director, OINV and General Counsel in the e-mail.

If a new petition is filed and instituted after the schedule is approved, send an e-mail proposing a new date/time.

Tentative Agreement

When all Commissioners have agreed on a proposed date/time send an email to the same group of people as above detailing the tentative date/time.

The Hearings and Information Division staff will then circulate the action jacket setting the agenda at the agreed date/time.

The date/time must be approved and made public at least 7 days before the meeting.

Directly Prior to the Meeting

At least 2 days before the meeting/vote is held, email the random vote order to the Confidential Assistants. Send a copy of the email to the Staff Assistant.

The random vote order is kept in the “Meetings” notebook. When a new random order is needed contact: Chief, Statistical and Editorial Services Division of OIS.

If there is an overdue action jacket included in the meeting, it will have to be voted on in meeting, unless it clears the Commission before the meeting. The Commission may also opt to delay consideration of the outstanding action jacket until the next scheduled meeting.

For action jackets cleared before the meeting send an email to the Confidential Assistants alerting them that the action jacket has been approved/disapproved.

For those which have not cleared the Commission before the meeting a vote order will have to be provided and it will be voted upon just as the scheduled investigation will be voted upon, unless the Commission opts to delay consideration of the outstanding action jacket until the next scheduled meeting.

Sunshine Meetings

The Supervisory Hearings and Information Officer will prepare the following documents for the Government in the Sunshine Meetings:

- Bi-monthly memorandum proposing vote(s) dates and times for next two months
- Action jacket scheduling the meeting and approving the agenda for the meeting;

Upon approval of the action jacket, the Supervisory Hearings and Information Officer will make any necessary edits and prepare **two** versions of the Government in the Sunshine notice:

- To be published in the Federal Register (with billing code included)
- Public distribution

The public distribution version should be converted to a pdf version and submitted for posting on the USITC website.

The Supervisory Hearings and Information Officer will:

- Schedule a court reporter for transcription of the meeting; distribute internal documents, and determine Commissioners' participation (in person/via telephone)
- Ensure that the following documents and assignments have been prepared prior to the Government Sunshine meeting:
 - Court report form
 - Staff name signs
 - Chairman's script
 - Agenda package including minutes, ratification list and approval records from proposed ratification list
 - Copies of public Government in Sunshine Meeting notice for public distribution table
 - Vote order (assigned from random vote order list)

- Ensure that the following procedures are applied directly prior to the meeting:
 - Distribute agenda to each Commissioner
 - Provide Court Reporter with a court reporter form
 - Set name signs
 - Provide Commissioners with water
 - Place copies of public Government in the Sunshine Meeting notice on public distribution table
 - Provide Chairman his/her script
 - Connect any Commissioners who may be participating via telephone into speaker system (use conference bridge if necessary)
 - Call roll during vote
 - Calculate and announce vote results
 - Provide vote results to parties, if requested

V. Maintaining the Commission and Office Records

5.1 Commission Votes

Commission votes are maintained in a database: Comm_Votes. The Commission votes database:

- Is an Oracle database that uses Microsoft Access – this database cannot be accessed by the public
- Information is entered at the “bundled” or parent level of the investigation
- The parent investigation number AND the parent investigation phase form the unique identifier on the database
 - The unique identifier number captures:
 - Type of investigation
 - Subject category
 - Full title
 - Investigation requester
 - Publication number
 - Publication issuance date

Investigation information is added to the database once the notice of institution is issued. For each investigation the following information is included:

- Investigation number
- Request date
- Institution date
- Hearing date
- Completion date
- Determination date
- Type of review indicated
 - USITC decision
 - The names of the Commissioners, their votes as announced, and any qualifications to the vote are included as well
 - Whether the review is “expedited” or “full”
- USITC vote date
- Each Commissioners’ individual vote
- Country

5.2 Annual Report

The Office of the Secretary maintains 6 of the tables in “Year in Review Book”:

- Table 1A: Antidumping and Countervailing Duty Investigations
- Table 1B: Changed Circumstances and Five-Year (Sunset) Reviews
- Table 1C: Other Import Injury Investigations Conducted
- Table III: General Fact-finding Investigations
- Trade Litigation Remand Proceedings – table number subject to change

The information gathered for the reports are pulled from the Comm-Votes database. The tables can be found at on the [USITC Investigative Case History](#)¹ website. Once the report/table is run and formatted in Word, the information should be double-checked against all notices issued for the fiscal year. Once all SE input is complete and checked, the tables should be provided to the following for review:

- ✓ Tables 1A, 1B, and 1C: Office of Investigations
- ✓ Table III: Office of Industries
- ✓ Trade Litigation Remand Proceedings: ALL information is provided by GC

Updating

Information entered into the database maintained by the Secretary automatically updates these tables. At the end of the fiscal year the tables are converted into word with the appropriate formatting (see a previous annual report) where continued updating will take place until tables are requested by External Relations. They should be checked for accuracy and any empty areas against the investigative notices/schedules and should be filled with the appropriate information. A check will be performed by OSE, agency staff who handles each type of investigations (example OINV, GC, OUII, and ID/EC.)

5.3 Events Schedule

The Supervisory Hearings and Information Officer creates a list of the Commissions activities for the week. This should include:

- Event
- Date
- Time
- Location
- Expected Duration

¹ USITC Investigative Case History is located at (b) (7)(E)

- Number of People
 - This list should be compiled in one week prior to the week of events. The events schedule is e-mailed to the following internal email address
(b) (7)(E).

5.4 History of the Commissioners

There are four separate lists maintained by the Secretary for historical purposes. These are updated as Commissioners retire and new ones are appointed:

- Alphabetical List of Commissioners with Dates of Service As of XXX
- Commissioners - Arrayed by Length of Service, As of XX)
 - This list is updated and renamed but the previous ones are not deleted
 - Commissioners length of service change, they are placed in the proper seniority order on the list. Note that to calculate the Commissioner's length of service, you begin by the day the newest Commissioner entered on duty plus as of day
- Chairman and Vice Chairman of the United States Tariff Commission and United States International Trade Commission, as of XXX
 - This is updated every two years on June 17, when the President appoints a new Chairman and Vice Chairman, or if the current Chairman leaves before his/her term as Chairman, the President will appoint another Chairman
- Terms of Office of Commissioners of the United States Tariff Commission and the United States International Trade Commission showing Succession of Incumbents in each Term

- This is updated whenever a Commissioner leaves or enters on duty. This is a helpful file because it shows the terms of each Commissioner

5.5 Hearings

A transcript of all hearings and meetings of the Commission is retained for at least 2 years. For “*in camera*” portions the Secretary will maintain a copy of the certification by the General Counsel for each Commission meeting of which a portion(s) is closed to the public.

The Secretary will also keep a copy of the statement from the presiding officer of each Commission meeting or portion of the meeting which was closed to the public stating the reasons for the closure of the meeting. A list of persons present will be maintained as well.

5.6 Official Minutes

The official minutes of the Commission and ratification lists are maintained electronically at (b) (7)(E) The Supervisory Hearings Officer ensures that the official minutes of the Commission are signed by the Chairman and Secretary at the end of each calendar year. The Records Management Specialist prepares the official minutes of the Commission for transfer to NARA annually.

5.7 Electronic Document Information Systems (EDIS)

The Office of the Secretary posts information about investigations on EDIS. Parties involved in investigations also file required documents in EDIS.

EDIS users expect accurate information about and speedy access to the documents stored on the system. Accurate and consistent coding allows this expectation to be met. Certain fields have defined entries selected from drop down lists. Other fields provide for free text entry. Some coding rules are unique to a particular practice area; others are universal.

Any document related to an investigation is posted on EDIS. The Commission can also decide that certain documents should be put on EDIS. Any questions regarding EDIS filings and/or technical issues should be directed to Docket Services.

Please make sure to follow the guidelines in the *EDIS Coding Manual* regarding proper coding for documents filed in EDIS.

All documents pertaining to an investigation or hearing are available on EDIS. Only internal users with specific access privileges may view documents containing CBI on EDIS. All other users, including external users, may only view

the metadata associated with the CBI document. All EDIS users may view public or public “version” documents.

For more detailed information about processing documents in EDIS, please see *Docket Services Standard Operation Procedures*.

5.8 Guardian of the Seal

The Office of the Secretary is the guardian of the USITC Seal. The Secretary must approve use of the seal before it is put on any document.

Process

Staff and outside parties must request permission to use the seal (other than ordinary use of Commission such letterhead and other agency documents) according to Administrative Order 06-06. A person requesting use of the Commission seal or other insignia of the agency must:

- Submit a request in writing to the Secretary to the Commission,
- Specify the intended use for the insignia,
- Provide a mockup showing how and in what context the insignia will be used, and
- Agree to use the following disclaimer: “Use of U.S. International Trade Commission insignia does not imply endorsement of any organization, idea, product, or service.”

The Secretary, in consultation with the Public Affairs Officer, will approve or disapprove the request, and provide his/her response in writing. If a request is approved, the Public Affairs Officer shall provide the person with a copy of the requested insignia in the form requested, to the extent practicable.

Note

“Insignia” includes the Commission’s seal established by 19 C.F.R. § 201.0, the agency’s flag, the agency’s logo, the Commission signs on stone and glass on and near the Commission’s building, and any other distinguishing marks that the Secretary determines to include within the meaning of “insignia.”

“Person” does not include Commission personnel performing work for the agency, such as preparing a Commission report for publication and including insignia on the cover. Commission personnel are authorized to use insignia and photographs without following the procedures set out in Administrative Order 06- 06.

VI. Mail

6.1 General Office Mail

Mail is delivered usually 3 times a day. Mail addressed to the Secretary or Hearing Coordinator should be opened unless marked confidential or for *Secretary eyes only*.

The Secretary's mail should be handled without his/her attention when possible and distribute to the appropriate parties. Mail which needs to be routed to a different office should be logged in the "Letters" logbook.

Mail dealing with an industry should be sent to the Office of Trade Remedy Assistance. All economic based mail should go to the Office of Economics. Magazines and similar periodicals should be sent to the Main Library, unless specifically addressed to the Secretary.

Once a copy of the response is sent back, log in logbook marked Letters. If it is unclear where something should be routed ask the Hearings and Information Manager.

6.2 Court Documents

Court documents such as a Notice of Docketing or Court of Appeals documents relating to an investigative matter should be forwarded to the Office of the General Counsel as follows:

- 337: Send to designated Assistant General Counsel Attorney
- Title VII: Send to designated Assistant General Counsel Attorney

The Office of the Secretary does not process subpoena documents. Subpoenas received in the Office of the Secretary should be distributed as follows:

- 337 matter before the ALJ: Give subpoena to the assigned Dockets case manager
- 337 matter before the Commission and Title VII matters: Send to designated Assistant General Counsel Attorney

6.3 Customs Letters

The Office of the Secretary receives copies of letters sent to citizens by U.S Customs and Border Protection agency. These letters inform the citizens that something they ordered or mailed has been confiscated and details the reason why they were confiscated. These types of letters are routed up to the Office of General Counsel.

6.4 USITC Mailing List Database

The USITC Mailing list database was discontinued in 2014 the process for handling publication requests are available via (b) (7)(E) .

VII. Administrative Program Procedures

7.1 Administrative Protective Order (APO) Breaches

An Administrative Protective Order (APO) is issued by the agency to prevent the divulgence of any business proprietary information (BPI) or confidential business information (CBI) obtained during the course of the investigation. In the event that proprietary or confidential information is released, the below listed procedures must be applied.

Reporting a Breach

A breach may be self-reported or reported by another individual with knowledge of the breach (i.e. Viewed the document containing CBI and/or BPI. The Docket Services case managers often receive reports of an alleged breach and must inform both the Supervisory Attorney and the Secretary. Once a case manager receives a report of an alleged breach, the EDIS document at issue is immediately placed in a "HOLD" status.

After discussing with the Secretary the case manager will:

- Run an audit report in EDIS to determine who reviewed the document and provide the report to the Secretary,
- Prepare a brief summary of the events regarding the alleged breach and subsequent actions taken, and
- Notify any public search engines that may have uploaded the document to make sure the document is removed and destroyed.

If the investigation proceeding is before the Administrative Law Judge (ALJ), the breach investigation is handled by the ALJ. The case manager will inform the ALJ of the following:

- How many users have viewed the document,
- Whether the user(s) signed onto the Administrative Protective Order in the investigation, and
- Any additional information to assist the ALJ.

NOTE: *The case manager must not release to the ALJs (or other outside requestors) the actual names of the individuals who viewed the document in compliance with the Privacy Act.*

If the investigation proceeding is before the Commission, the Secretary will prepare an APOB memo which will be sent to the Office of the General Counsel. The Secretary will:

- Use the next available memo number to prepare a memo for Commission action and open an investigation into the matter. The memo number will be obtained by reviewing the Memo Logbook located at (b) (7)(E)

(b) (7)(E) . (Note: Reference copies of Breach memos are located at (b) (7)(E)

The Information Services Specialist, will:

- Open an APOB file
 - Use the APO Status Report (*MS Word Document title: Record of apo status reportupdatejgsep2013*) to identify the next APOB number. The APO Status Report is located at (b) (7)(E)
 - The memo should be addressed to the Assistant General Counsel. (Note: Currently the memorandum is addressed to the designated Assistant General Counsel)
 - After the memo is finalized by the Secretary, it is hand carried, either by the Secretary or the Staff Assistant, who will make copies and delivered to the General Counsel staff (i.e. designated Assistant General Counsel).
- Make sure you add the NEW investigation to the APO Status record which is located at (b) (7)(E) (Note: On occasion a breach may involve a TITLE VII investigation and a copy of the memo will go to OINV and designated Assistant General Counsel in GC.)
- The Secretary and the General Counsel continue to work together over the course of the breach investigation. The Commission is notified of the breach via action jacket circulated by the Office of the General Counsel and ultimately determines the course and gravity of action taken.

The APOB files are updated as information comes in involving the investigation. There are 3 records to update:

- APO Status Report (*formerly APO.Status*):
 - This consists of all the open active APOB cases and the current activity on each.
 - The APO Status Report is located at (b) (7)(E) [REDACTED].
- Disposition of Suspected APO BREACHES (*formerly APO.REC*):
 - Lists all the APOB cases after they are completed so after reprimand letters go out for the last party in the investigation, the case should be moved to this record from the APO Status Report (*MS Word Document title: Record of apo status reportupdatejgsep2013*).
 - The Disposition of Suspected Rule Violations is located at (b) (7)(E) [REDACTED].
 - Details whether or not a breach was found in a rule violation and what action was taken, if any and other pertinent info relating to the investigation.
 - Also tracks when a record is expunged.
- APO Federal Register Notices (*formerly APO.FR*):
 - Keeps a record of the Federal Register entries on APOB, it shows the breach and rule violation activity completed on those APOB for each calendar year. An annual summary notices is prepared for Federal Register by Carol Verratti in General Counsel.
 - The APO Federal Register Notices is located at (b) (7)(E) [REDACTED].

- Mailing APOB Letters

- These letters come down ELECTRONICALLY NOW by e-mail from GC, for the Secretary's signature during the course of an open investigation into a possible breach. The letters are stored at (b) (7)(E)
- These letters and any incoming correspondence that may come in from the parties throughout the investigation should be noted on the APO Status report. The APOB letters are sent overnight mail UPS. Make a copy of the letter before sending out for the office file and GC records. **NOTE: PLEASE PRINT OUT TWO COPIES OF THE UPS RECEIPT, ONE FOR MAILING AND ONE FOR THE FILE**
- You should also put a copy of all letters from GC going out to the parties throughout the investigation in the (b) (7)(E) folder (use letter from e-mail) and the hardcopy file. Just put /s/ so we will know they have been processed.
- Send to designated Assistant General Counsel in GC an email letting him know the date that the letters were mailed.

Expungement

After an APOB determination, if the party is given a reprimand of private/public they will be reprimanded for a two year period and will receive a letter stating such. This sanction will be removed two years from the date of the letter of reprimand.

- EXPUNGEMENT SCHEDULE: This schedule of dates shows when a party's penalty for violation has been satisfied and a letter should be prepared to go to person(s). No letter is kept, just the receipt from sending out UPS. (See (b) (7)(E)

INFORMATION FROM THESE LETTERS SHOULD NOT BE MOVED TO THE DISPOSITION OF APO RULE VIOLATION FILES UNTIL ALL OF THE PARTIES IN THE INVESTIGATION HAVE BEEN GIVEN A FINAL LETTER RELEASING THEM FROM THEIR REPRIMAND AND THOSE GIVEN A WARNING LETTER, THIS WILL CLOSE THE INVESTIGATION.

IF AN INDIVIDUAL IN THE INVESTIGATION JUST GETS A REPRIMAND AND THE REST² DO NOT AT THE TIME, THEN THE INFORMATION IS NOTED ON THE APO STATUS RECORD THAT A LETTER WENT OUT UNTIL THE INVESTIGATION IS CLOSED. THEN ALL OF THE LETTERS OF FINAL ACTION IS NOTED ON THE DISPOSITION OF SUSPECTED APO BREACH FILE.

NOTE: Reprimand letters of any kind during the course of the investigation are not put on the electronic file in the Correspondence file (b) (7)(E) _____), ONLY in the hardcopy file!

After 2 years from the date of letter of reprimand, the person is sent a letter saying their sanction is over. This letter is not kept in the file but just sent out UPS, but KEEP A COPY OF THE UPS RECEIPT FOR THE RECORD, put in file. All reference to the sanction must be manually removed from the hardcopy file. After an expungement there should be no reference to the person who committed the breach in the hardcopy file. (The breach is still referenced on the Disposition of Suspected APO Breach i.e. the word "EXPUNGED" IS REPLACED WITH THE PERSONS NAME with the DATE OF THE LETTER noted.)

If the person(s) are just given a warning letter, it will go out following the above process on sending out letters and also noted on the Disposition of Suspected Rule Violations record.

If the person(s) are found not to have breached an investigation, a letter will go out to them and you should follow the above on sending out letters and also noted on the Disposition of Suspected Rule Violations record.

(Next Page)

² This is when there are several individuals involved in an APOB investigation. There may be an instance that the Commission acts on one individual and then later on the remaining individuals involved.

7.2 Bonds

The Commission may issue an order requiring a party to post a bond for a specified amount to secure importations or sales of the subject imported merchandise while a temporary relief order is in effect.

The bond may consist of one or more of the following:

- Surety bond
- Certified check
- Bank draft
- Post office money order
- All bonds must be made payable to the United States Treasury, NOT the Commission.

7.2.1. Receipt

Upon receipt of a bond or check (draft), the Hearings and Information Division, Information Assistant will:

- Make a copy of the following:
 - Bond
 - Cashier/certified check (copy the draft)
 - Letter accompanying the bond/check (draft)
- Place the copies in the Investigation's folder
- Notify the designated Office of Finance staff via email that a bond or check has been received by the Information Assistant. *(Note: Surety and personal checks must be cleared through the Office of General Counsel prior to acceptance.)*
 - Office of Finance POC: Mira Smith, (b) (6) ext. (b) (6) Provide the following information in the email:
 - Type of currency: Bond or check (cashiers/certified)
 - Amount
 - Name of the submitting party
 - Investigation number
 - Informing that both the bond or check (draft) will be hand-carried to the Office of Finance
- Hand-carry the bond/check (draft) to the Office of Finance
 - The Office of Finance staff recipient must sign a receipt acknowledging receipt of the bond/check (draft).
 - A copy of the receipt is provided to the Office of Finance staff recipient and the original is placed in the OSE respective bond folder.

The respondent(s) is required to serve a copy of the bond and any accompanying documentation on the Complainants' counsel pursuant to the bonding requirement. The

Administrative Assistant will prepare a letter from the Secretary to the submitting party accepting or rejecting the bond/certified/personal check and cc's: the complainant. The Information Assistant will:

- Mail the acceptance or rejection letter. The Confidential letter is mailed via Overnight UPS or FEDEX.
- Create an electronic EDIS submission for the Confidential and Public documents:
 - **Filed By:** *[Insert name of Secretary or Acting Secretary]*
 - **Firm Organization:** *USITC*
 - **Filed On Behalf Of:** *Office of the Secretary*
 - **Investigation Number**
 - **Security Level:** *Confidential or Public*
 - **Document Type:** *Correspondence USITC*
 - **Document Title:** *"FOR EDIS ONLY" (i.e., Letter to Jane Doe Acknowledging Receipt of Bond (Confidential or Public version))*
 - **Document Date**
- Update the Section 337 Bonds log which is located at

(b) (7)(E)

7.2.2. Rejection

In the event that a bond or check (draft) is rejected, the Administrative Assistant will:

- Make one (1) copy of the letter to the **party** rejecting its bond/check (draft)
 - Place one (1) copy in the investigation's folder which is located in the Secretary's office
- Create an electronic EDIS submission for the Confidential and Public documents:
 - **Filed By:** *[Insert name of Secretary or Acting Secretary]*
 - **Firm Organization:** *USITC*
 - **Filed On Behalf Of:** *Office of the Secretary*
 - **Investigation Number**
 - **Security Level:** *Confidential or Public*
 - **Document Type:** *Correspondence USITC*
 - **Document Title:** *"FOR EDIS ONLY" (i.e., Letter to Jane Doe Denying Bond (Confidential or Public version))*
 - **Document Date**

- Service is not required. *(Note: The rejection letter is mailed to the submitter ONLY and will not be mailed to the parties)*
- Update the Section 337 Bonds log which is located at
(b) (7)(E)

7.2.3. Acceptance

In the event that a bond or check (draft) is accepted, the Administrative Assistant will:

- Make one (1) copy of the letter accepting the bond/check (draft)
 - Place one (1) copy in the investigation's folder which is located in the Secretary's office
- Create an electronic EDIS submission for the Confidential and Public documents:
 - **Filed By:** *[Insert name of Secretary or Acting Secretary]*
 - **Firm Organization:** *USITC*
 - **Filed On Behalf Of:** *Office of the Secretary*
 - **Investigation Number**
 - **Security Level:** *Confidential or Public*
 - **Document Type:** *Correspondence USITC*
 - **Document Title "FOR EDIS ONLY"**
 - **Document Date**
- Service is not required. *(Note: The acceptance letter is mailed to the submitter ONLY and will not be mailed to the parties)*
- Update the Section 337 Bonds log which is located at
(b) (7)(E)

7.2.4. Disposition of the Bond/Check (Draft)

This requires an Order/Notice from the Commission which can be premised upon any of the following:

- The President rejects the imposition of the requirement; or
- An appellate court vacates the Commission's Order; stay the orders (with instructions to return the bond) pending remand and/or review by the Commission; if stayed, bond/draft may be withheld and the party may move for the return of the bond/check (draft).

- Forfeiture
- Split (various parties receive different payments from the bond with the difference (if any) being returned to the party who submitted the bond).
- Full return of bond to the party(s); sometimes the party or parties are required to file a motion to obtain the return of the bond/check (draft).

In this event, several things must occur:

- A motion must be filed before the ALJ
- The ALJ must rule on the motion and issue an ID
- The Commission must either:
 - Review or Not Review; and
 - Issue an order with notice of the disposition of the bond

7.2.5. Returning bond/check (draft)

In the event that a bond or check (draft) is to be returned, the Administrative Assistant will:

- Email finance information which identifies the bond/check (draft) to be returned (sometimes if in the form of a check (draft), there may be more than one draft involved—be sure to indicate (based on the Commission’s Order):
 - The actual draft(s) which are being returned by amount,
 - Draft number and date,
 - Instructions for the designated Office of Finance staff to return the bond/check (draft) to the party(s) as indicated on the Notice/Order (cite the EDIS document number and date the Notice/Order was issued), respectively.
- Place a copy of the following documents in the Investigation folder (**Note: All correspondence pertaining to bonding/checks (drafts) must have a copy placed in the subject investigation’s folder.):**
 - Notice/Order
 - Email that was sent to the designated Office of Finance staff
- Update the Section 337 Bonds log which is located at
(b) (7)(E)

7.3 Confidential Business Information (CBI)

Confidential business information pertains to:

- Trade secrets
- Processes
- Operations
- Style of works
- Production
- Sales, or
- Other information that may be of commercial value

7.3.1. Coding CBI/BPI

Requests

All requests for treatment of information as confidential goes to the Office of the Secretary. Along with a copy of the CBI the submitter should also provide a written description of the nature of the information, a justification for the request and certification that identical information is not available to the public.

Docket Services checks to make sure the filing is in compliance with all of the rule requirements. The confidential and public version is checked for accurate bracketing and that no CBI is left in the public version.

Once everything is checked the Case Manager will email the Administrative Assistant the ***Request For Confidential Treatment.***

CBI Approval Letters

Upon receipt of the ***Request for Confidential Treatment*** from the Case Manager:

A request for confidential treatment has been filed:

Inv. Number and Title	701-453(2 nd Rev), Sodium Nitrite from China and Germany
Submitter's Name	(b) (6)
Submitter's Firm/Org & Address	Cassidy Levy Kent (USA) LLP (b) (7)(E)
Document Type	Comments
On Behalf Of	Chemtrade Chemicals US LLC
Conf. Doc ID and Date	679017 06/20/2019
Pub. Vers. Doc ID and Date	679018 06/20/2019
Revised Pgs. Doc ID and Date	
Notes	
EDIS#/CBI Ltr	

- The Administrative Assistant shall reply by email when the letter is being processed with “Processing Pending.” **(Note: The letter should be processed within two weeks from the date of receipt from the Case Manger)**
- The letter shall be filed on EDIS as USITC Correspondence
- Document Title: Letter Approving (Insert Law Firm Name) Request for Confidential Treatment
- The Administrative Assistant shall send an email indicating “Processed” when the letter has been filed on EDIS and fill in the chart with the corresponding EDIS number

Inv. Number and Title	701-453(2 nd Rev), Sodium Nitrite from China and Germany
Submitter’s Name	(b) (6)
Submitter’s Firm/Org & Address	Cassidy Levy Kent (USA) LLP (b) (7)(E)
Document Type	Comments
On Behalf Of	Chemtrade Chemicals US LLC
Conf. Doc ID and Date	679017 06/20/2019
Pub. Vers. Doc ID and Date	679018 06/20/2019
Revised Pgs. Doc ID and Date	
Notes	
EDIS#/CBI Ltr	68999

Approval Letters

Upon receipt of the **Request for Confidential Treatment** the Administrative Assistant will:

- Draft the approval letter for approval by the Secretary

(Note: Sample CBI letters are located at (b) (7)(E)

(b) (7)(E)

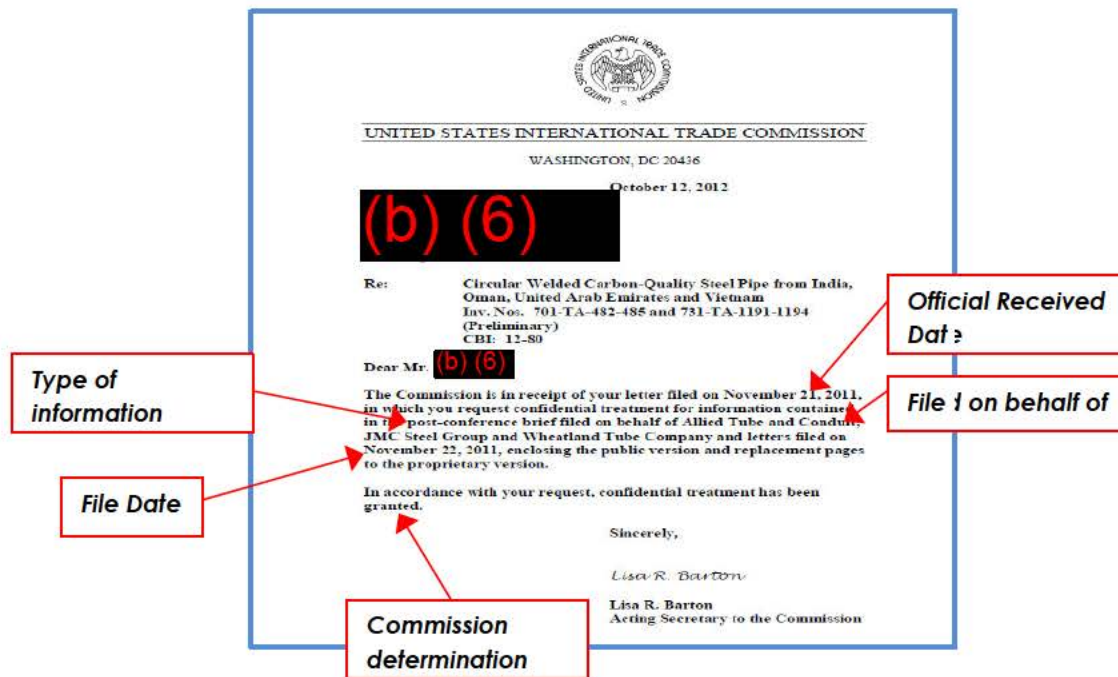
- Save the draft document in a MS Word format on the master share drive

(b) (7)(E)

Approval letter includes the following information:

- Current date
- Attorney’s name: *(Note: Review the document to determine if a law firm is represent the party; if so address the approval letter to the referenced attorney.)*
- Law firm address
- Reference the full investigation title and number(s)
- Salutation: Dear Mr./Mrs.
- Inv. caption title

- The response must include the following:
 - * Official Receive Date
 - * Type of information filed (i.e., post-conference brief, correspondence, etc.)
 - * Name of party that information is filed on behalf of
 - * Date the information was filed
 - * Commission's determination



Approval letter includes the following information:

- Current date
- Attorney's name: *(Note: Review the document to determine if a law firm is represent the party; if so address the approval letter to the referenced attorney.)*
- Law firm address
- Reference the full investigation title and number(s) and include the CBI number
- Salutation: Dear Mr./Mrs.
- Inv. caption title
- The response must include the following:
 - * Official Receive Date
 - * Type of information filed (i.e., post-conference brief, correspondence, etc.)
 - * Name of party that information is filed on behalf of

- * Date the information was filed
- * Commission's determination

Upon the secretary's approval of the approval letter, the Administrative Assistant will:

- Convert the document to a PDF and save the document on the master share drive (Z:\Records\Administration\Office of the Secretary\Hearings and Information\CBI\CBI)
- E-File the approval letter on EDIS

Coding:

- **Security level:** Public
- **Document Type:** *Correspondence-USITC*
- **Document Title:** *Enter Letter Approving Law Firm Name Request for Confidential Treatment*
- **Filed by:** *[Insert name of Secretary]*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Office of the Secretary*
- Annotate the EDIS Doc ID number on the Request for Confidential Treatment email to the Case Manager

Under FOIA

In general CBI will not be disclosed under FOIA. When a [request](#) for CBI comes in under FOIA the Secretary will notify the company whose information it is.

Additionally:

- Notification will occur if the Secretary believes the information may not be protected from disclosure under FOIA.
- The information requested has been designated confidential.

Notice does not need to occur if:

- The Commission determines that the information should not be disclosed
- The information is already officially accessible to the public in some way
- Disclosure is required by law

The submitter of the information has a 10-business day time period in which to object to the disclosure of the information. If the Commission decides to disclose the information the company will be sent a "Notice of Intent to Disclose".

7.4 Freedom of Information Act (FOIA)

All requests for information under the Freedom of Information Act (FOIA) are directed to the Office of the Secretary. The Secretary is the Chief Freedom of Information Act Officer.

FOIA staff (the Chief FOIA Officer or designee and the FOIA Public Liaison or designee) has 20 working days to process and respond to FOIA requests. This includes logging in the request, identifying the appropriate office in which to locate the records indicated in the request, retrieving any responsive records and determining whether or not to release records if they fall within any of the applicable FOIA exemptions. Additionally, the requestor may ask for expedited processing.

Expedited Requests

Requests should be processed in the order in which they were received except in cases requesting expediting. When processing an expedited request, the following procedures should be followed:

- Requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for requesting expedited processing.
- Decisions to grant, or not grant, expedited handling will be made within 10 calendar days of receipt of a request for expedited processing. (see 19 CFR [201.17\(6\)\(b\)](#))

Requests for Records

A requestor may submit a FOIA via fax, mail, or web portal. The request should include the following information:

- Request labeled, "Freedom of Information Act Request," preferably within the request letter and on the envelope, and address the request: Chief FOIA Officer, United States International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436. If you need to contact us please call 202-205-2000.
- State their willingness to pay applicable fees and justification for fee waiver, if applicable.
- Description of the specific records so that they can be located with a reasonable amount of effort. Generally, a record is reasonably described when the description contains sufficient file-related information (type of document, title, subject area, date of creation, originator, etc.); or the request contains enough event-related information (date and

circumstances surrounding the event the record covers) to permit the conduct of an organized, non-random search. *(Note: Although an incoming request not stating the above may be processed under FOIA at the discretion of the Chief FOIA Officer and if the request reasonably describes agency records. (i.e., requests for documents in an investigation may be processed under FOIA) A request for publications and other general information the agency provides (i.e., annual reports) can be processed under FOIA at the discretion of the requester. Otherwise, these types of requests would be processed as general correspondence for which the information requested is provided.)*

Standard Processing

Upon receipt of the FOIA request, the FOIA Public Liaison will:

- Annotate the received date on paper FOIA requests
- Examine and review the request to ensure that the request meets the requirements for processing under FOIA.
- Analyze the request to determine the programming office(s) to respond to the request.
- Analyze any other specifics such as whether it is a voluminous request. If the documents are located in a field facility, involve a voluminous quantity of records or the need to correspond with another agency which has interest in the records the Commission has an additional 10 days to respond.
 - The following applies to voluminous requests:
 - The requestor must indicate the maximum amount they are willing to pay for the voluminous request. (see 19 CFR [201.20](#) regarding fees)
 - If the request will require a substantial amount of manpower to process, the Chief FOIA Officer may ask the requestor to narrow the request.
 - The FOIA Public Liaison will notify the requestor for clarification of a FOIA request and annotate such request on the FOIA database. (i.e., obtain additional information and/or confirm required fees prior to processing the request).

The clarification request may be made via email or letter. The FOIA request is placed in a tolling/hold status and will not resume processing until the requestor provides the required information. (see Explanation of [procedural](#) requirements/time limits in the Department of Justice's "Guide to Freedom of Information Act.")

Sample Clarification Statement:

This is to inform you that your FOIA request has been put in a tolling status (on hold) as of _____ (date), until we receive clarification of your FOIA request in the area of _____.

The processing of your request will resume upon the date we receive the above information.

If you have questions, please contact [Insert name of FOIA Public Liaison] or me at 202-205-2000.

- Create new record or open record in the FOIA database (see [FOIA Database procedures](#)) (**Note: All actions should be noted in the FOIA database**)
 - Assign FOIA number (*Note: The next FOIA number can be verified by checking the hardcopy FOIA folders located in room (b) (7)(E), the FOIA database, or the electronic folders located at (b) (7)(E)*)
 - Perform OSE Search if the FOIA request relates to an investigative matter or congressional records (i.e., EDIS or other resources)
 - Prepare the FOIA package for review and to discuss recommendations with the Chief FOIA Officer:
 - [Transmittal Sheet for FOIA Requests](#)
- Annotate the following fields:
- Programming office(s) (**Note: After meeting with the Chief FOIA Officer, prepare a separate Transmittal Sheet for FOIA Requests. This is required for each programming office that may have documents responsive to the request so they may take the appropriate actions to retrieve such documents. Provide the Office of External Relations, Public Affairs Officer, with a copy of all media related FOIA requests.**)
 - Subject
 - FOIA Request Number
 - Date(s) Received in Secretary's Office (**Note: If request is submitted via web portal, enter the date located on the email notification as the received date.**)
 - Date of programming office(s) reply (COB)

- o Statutory Deadline Reply under FOIA (**Note: FOIA requests are to be processed within 20 working days after receipt of the request.**)
- Original FOIA request (i.e., paper request or printout of request submitted via web portal) (**Note: If FOIA request is submitted via web portal request, some of the contents in the Information Requested, Describe, and Notes fields may not be viewable. If not viewable, copy and paste the contents into a new document and print for review by the Chief Information Officer and Office of General Counsel (GC).**)
- FOIA Notification email, if applicable
- OSE Search results

The Chief FOIA Officer may make additional recommendations or concur with the FOIA Public Liaison's recommendations. The Chief FOIA Officer will approve the request by signing the Transmittal Sheet for FOIA Request.

After meeting with the Chief FOIA Officer, the FOIA Public Liaison will:

- Update the FOIA database with a summary of the meeting
- Make copies of the FOIA package as follows:
 - Programming office(s)
 - o One (1) copy for **each** office that is required to take action/respond to the request.
 - o Place a check mark beside (**for information/action**) to denote the required response.
 - Office of the General Counsel (OGC) (Denote **for information** unless they may have documents responsive to the request and it should denote **action**)
 - o One (1) copy
 - FOIA file copy
- Create a FOIA folder
 - A hardcopy FOIA folder should be created and stored in room (b) (7)(E)
 - An electronic FOIA folder should be created and stored at (b) (7)(E)

- Contact the requester via email or phone to acknowledge receipt of their request. Provide summary of action in the FOIA database and print a copy of the action for the hardcopy FOIA folder.

Distribution

- Prepare the FOIA package for distribution as follows: *(Note: In the top right corner of the **Transmittal Sheet for FOIA Request** annotate the date that the request is sent to the recipient.)*
 - OGC: FOIA package can be sent via interoffice mail to the Assistant General Counsel handling administrative matters in the Office of the General Counsel
 - Programming Office: Hand-carry the FOIA package to each programming office. Generally, the administrative staff will receive the FOIA request and will circulate the FOIA request to the required office staff. ***(Note: Send an email to the recipient of the FOIA package for them to acknowledge receipt of the FOIA package and to offer assistance regarding completing the FOIA request. (i.e., FOIA Request ##-## was delivered to recipient. Please confirm receipt of the request and contact the FOIA Public Liaison if you need assistance with completing the Programming Office Production Guidance Office Search Guidance form.)***
 - Office of External Relations: Public Affairs Officer ***(Note: Media related FOIA requests only)***
 - FOIA file: Place a copy of all distributed documents in the hardcopy FOIA file folder.
- Complete the [Recordkeeping Guidelines for FOIA files](#). This is a step-by-step checklist to verify that all processes have been completed.
 - Update the Recordkeeping Guidelines for FOIA files checklist is located at **(b) (7)(E)** ***(Note: The checklist should be overwritten with the current FOIA number. Do not save as a separate document.)***

Reviewing Responses

Upon receipt of the FOIA request response from the programming office(s), the FOIA Public Liaison will use the Recordkeeping Guidelines for FOIA files and review as follows:

- Review the Programming Office Production Guidance Office Search Guidance to ensure that all of the required fields have been properly

completed. (Note: If incomplete, contact the programming office for additional information.)

- Review responses for each programming office
- Update the FOIA database with the programming office's response
- When all programming office responses have been received:
 - Prepare a responsive letter which is to be reviewed and signed by the Chief FOIA Officer. (see sample correspondence located at (b) (7)(E) [REDACTED])
 - Meet with the Chief FOIA Officer to discuss responses and response letter to the requestor. Upon approval the Chief FOIA Officer will sign the response letter
- Update the FOIA database with any notes from meeting with the Chief FOIA Officer and prepare to close-out FOIA record
- Make copies of all documents including emails and place in the hardcopy FOIA folder as follows:
 - Transmittal letter (original)
 - Response letter to requestor
 - Responses sent, if any
 - Recordkeeping Guidelines for FOIA files checklist
 - FOIA database record summary (Cut and paste from note section of FOIA database)
 - Correspondence
 - Emails
- Update the Recordkeeping Guidelines for FOIA files checklist
- Place all of the above stated documents in the hardcopy FOIA folder

Extensions

If the due date is approaching and no response has been received from the programming office contact the programming office via email or phone. The programming office may request an extension by providing the following information:

- Reason for extension
- Additional amount of time needed

The FOIA Public Liaison will discuss the request for an extension with the Chief FOIA Officer and notify the programming office requester via email or letter, if

necessary. The FOIA Public Liaison will provide a summary of the discussion in the FOIA database.

Denial of Records/No Record

All agency records must be made available to the public under the FOIA, except for records that are:

- Properly classified as secret in the interest of national defense or foreign policy (b)(1)
- Related solely to internal personnel rules and practices (b)(2)
- Specifically exempted by other statutes (b)(3)
- Concerning trade secrets and commercial or financial information obtained from a person that is privileged or confidential (b)(4)
- Privileged interagency or intra-agency memoranda or letters, except under certain circumstances (b)(5)
- Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (b)(6)
- Investigatory records compiled for law enforcement purposes (b)(7)
- Contained in or related to certain examination, operating, or condition reports concerning financial institutions (b)(8)
- Geological and geophysical information and data, including maps, concerning wells (b)(9)

If the request is a Denial of Records (usually based on an exemption) or no record, the FOIA Public Liaison will inform the requestor of their right to appeal. **(Note: See sample denial letter (b) (7)(E) [REDACTED] or 19 CFR 201.18 section of denials.)** (See [Administrative Appeal](#))

However, if the exemptions are used to justify the denial of records to a requester, the Information Services Specialist/FOIA Public Liaison will verify with the programming office and the Department of Justice's Guidelines on the Freedom of Information Act to ensure that the appropriate exemptions are being used. **(Note: Sometimes documents are released based on a regulation or policy relating to that programming office not always due to FOIA regulations and exemptions. (i.e., The Office of Procurement must follow the FAR regulations involving the release of some documents.)**

Freedom of Information Act (FOIA) Database

The Freedom of Information Act (FOIA) database contains an electronic record summarizing the actions of the agency regarding all FOIA requests. Currently, paper copies of the FOIA record are located in the OSE file room (b) (7)(E).

Upon receipt of a FOIA request, the Information Services Specialist/FOIA Public liaison will

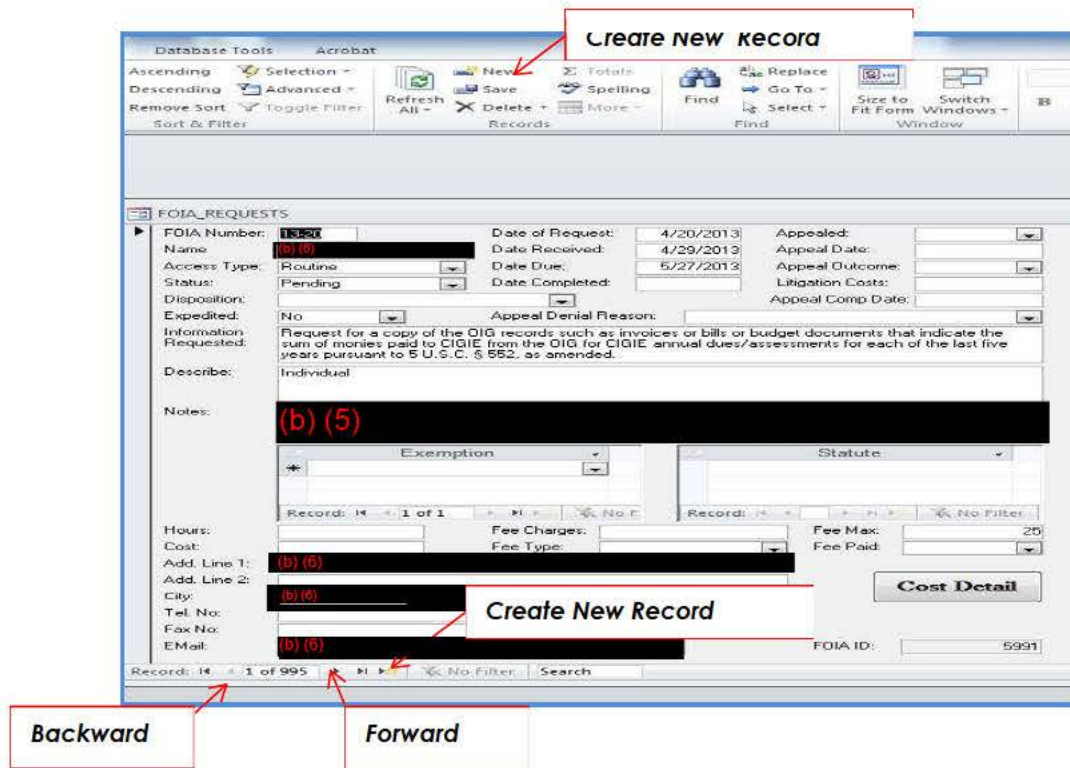
open a FOIA record for any FOIA requests received via mail; however, FOIA record is automatically generated for a FOIA request which is submitted via the web portal.



Step 1:

Creating or updating FOIA record

- Select Insert/Edit/Delete
- Locate FOIA request or Create a "New" Record



- FOIA requests submitted via web portal can be located by using the backward or forward arrows
- New FOIA requests can be created by selecting the “New” button

Step 2:

- Enter the following fields in the FOIA database:

The screenshot shows a web-based form titled "FOIA_REQUESTS". The form is divided into several sections:

- Header Fields:** FOIA Number: 132, Name: (b) (6), Date of Request: 4/20/2013, Date Received: 4/29/2013, Date Due: 5/27/2013, Date Completed: (empty), Appealed: (dropdown), Appeal Date: (empty), Appeal Outcome: (dropdown), Litigation Costs: (empty), Appeal Comp Date: (empty).
- Request Details:** Access Type: Routine (dropdown), Status: Pending (dropdown), Disposition: (dropdown), Expedited: No (dropdown), Appeal Denial Reason: (dropdown).
- Description:** Information Requested: Request for a copy of the OIG records such as invoices or bills or budget documents that indicate the sum of monies paid to CIGIE from the OIG for CIGIE annual dues/assessments for each of the last five years pursuant to 5 U.S.C. § 552, as amended. Describe: Individual.
- Notes:** (b) (5)
- Exemption and Statute:** Two dropdown menus labeled "Exemption" and "Statute" with asterisks next to them.
- Cost Detail:** Fee Charges: (empty), Fee Type: (dropdown), Fee Max: 25, Fee Paid: (empty). A "Cost Detail" button is present.
- Contact Information:** Add. Line 1: (b) (6), Add. Line 2: (b) (6), City: (b) (6), State: (b) (6), ZIP: (b) (6), Tel. No.: (empty), Fax No.: (empty), EMail: (b) (6).
- Footer:** Record: 14 of 1, FOIA ID: 5991, Search button.

- **FOIA Number**
- **Date of Request:** Enter date for paper requests; web portal requests will already be entered
- **Name:** Enter name for paper requests; web portal requests will already be entered
- **Date Received:** Enter received date for paper records or update the date if submitted via web portal on a weekend or holiday.
- **Access Type:** Select one (1) of the following:
 - Blank
 - First Person
 - Proprietary Information
 - Routine

- **Date Due:** *FOIA requests are to be processed within 20 working days after receipt of the request unless expedited.*
- **Status:** *Pending*
- **Disposition:** *Blank*
- **Expedited:** *Yes or No*
- **Information Requested**
- **Describe:** *Enter request type (i.e., Individual, Private Corporation or law firm, news media, etc.)*
- **Notes:** *Enter information for all FOIA activity*
- **Fee Max:** *If provided, enter the maximum amount the requester is willing to pay for FOIA information. (i.e., 25)*
- **Add. Line 1**
- **Add. Line 2**
- **City**
- **State**
- **Zip**
- **Tel. No.**
- **Fax No.**
- **Email**

Step 3:

Closing a FOIA record

- Locate the FOIA Number in the FOIA database by using the backward or forward arrows
- Enter the following fields in the FOIA database:

FOIA_REQUESTS

FOIA Number: 13-17 Date of Request: 3 2:02:54 PM Appealed:

Name: (b) (6) Date Received: 4/2/2013 Appeal Date:

Access Type: Routine Date Due: 4/30/2013 Appeal Outcome:

Status: Completed Date Completed: 4/10/2013 Litigation Costs:

Disposition: Full Grant Appeal Comp Date:

Expedited: No Appeal Denial Reason:

Information Requested: Transcript report for 03-01-2013 to 03-31-2013 Section 3.3.a (i-ii)

Describe: Individual

Notes: (b) (5)

Exemption: * Statute:

Record: 1 of 1 Fee Charges: 0 Fee Max: 25

Cost: 21.3 Fee Type: other requester Fee Paid:

Add. Line 1: (b) (6)

Add. Line 2:

City: (b) (6) State: (b) (6) ZIP: (b) (6)

Tel. No: (b) (6)

Fax No:

EMail: (b) (6)

FOIA ID: 5987

Record: 4 of 995 Search

- **Status:** *Completed*
- **Date Completed**
- **Disposition:** *Select one (1) of the following:*
 - Denial
 - Duplicate Request
 - Fee-related Reason
 - Full Grant
 - No Records
 - Not a FOIA Request
 - Not a Proper FOIA Request
 - Not an Agency Record
 - Other
 - Partial Grant
 - Records Not Reasonably Described
 - Referral
 - Request Withdrawn
- **Notes:** Include any additional FOIA activity information

- **Exemption:** *Enter applicable exemption, if necessary*
- **Statute:** *Enter applicable statute, if necessary*
- **Cost Detail:** *Use the completed Transmittal Sheet for FOIA Requests, Programming Office Production Guidance Office Search Guidance to identify all persons including their grade who worked on the FOIA request*

Select **Cost Detail**

➤ Enter the following information for EACH person who worked on the FOIA request:

- **Name**
- **Year:** Enter FY
- **Grade**
- **Hour:** Locate the time spent responding to the request and enter the value that is listed on the [Agency Employees Cost Activity Chart for FOIA](#) (located at **(b) (7)(E)** for the specified timeframe)
- **Total:** This field will automatically calculate the total
- **Total Hours:** This field will automatically calculate the total hours for all individuals who worked on the FOIA request. The Total Hours value should be entered into the **Hours** field of the FOIA record.
- **Total Cost:** This field will automatically calculate the total cost for all individuals who worked on the FOIA request. The Total Cost value should be entered into the **Cost** field of the FOIA record.

- **Hours:** *Enter **Total Hours** value which is located in the **Cost Detail** section*

- **Cost:** *Enter **Total Cost** value which is located in the **Cost Detail** section*

- **Fee Charges** *(if applicable)*

- **Fee Type:** *Select one (1) of the following categories: (see [Fees](#))*

- Blank
- Commercial use
- Educational use
- Media representative
- Non-commercial scientific
- Other requester

- **Fee Paid**

Step 4: FOIA requests with an appeal.

The screenshot shows a web-based form titled "FOIA_REQUESTS". The form is divided into several sections:

- Header Fields:** FOIA Number: 11-26; Date of Request: 5/25/2011; Appealed: Yes; Name: (b) (6); Date Received: 5/31/2011; Appeal Date: 11/1/2010; Access Type: Routine; Date Due: 6/28/2011; Appeal Outcome: partial; Status: Completed; Date Completed: 6/20/2011; Litigation Costs: 4952; Disposition: Full Grant; Appeal Comp Date: 12/3 /2010; Expedited: No; Appeal Denial Reason: (empty).
- Description:** Information Requested: Processing two requests as one similar in topic--(1) A list of meetings in calendar year 2010 bet agency employees and the Office of Inspector General and White House officials (2) A list of meetings in calendar year 2010 between agency employees and the office of Inspector General and White House.
- Notes:** (b) (5)
- Exemption and Statute:** Exemption: *; Statute: (empty).
- Costs:** Hours: 6.42; Fee Charges: 379; Fee Type: educational use; Fee Max: 100; Fee Paid: (empty).
- Contact Information:** Add. Line 1: (b) (6); Add. Line 2: (b) (6); City: (b) (6); State: (b) (6); ZIP: (b) (6); Tel. No.: (empty); Fax No.: (empty); EMail: (b) (6).
- Footer:** FOIA ID: 5035; Record: 1 of 1; Search: (empty).

- **FOIA Appealed: Yes**
- **FOIA Appeal Date**
- **FOIA Appeal Outcome:** *Select one (1) of the following when closing appeal:*
 - Affirmed
 - Denied
 - Granted
 - Other
 - Partial
 - Remanded
 - Reversed
 - Withdrawn
- **FOIA Litigation Costs** (Use the *Cost Detail* tool to calculate the litigation costs)
- **FOIA Appeal Comp Date**
- **FOIA Appeal Denial Reason:** *Select one (1) of the following:*
 - Appeal Based Solely on Denial of Request for Expedited Processing
 - Duplicate Request or Appeal
 - Fee-related Reason
 - Improper Request for Other Reasons

- No Records
- Not Agency Record
- Other *Explain in Notes below
- Records Referred in Initial Request level
- Records not Reasonably Described
- Request Withdrawn
- Request in Litigation

FOIA Requester Appeals Original FOIA Response: If the requester is not satisfied with the response to the initial FOIA request for records, the requester may appeal a FOIA decision which is initially denied in whole or in part under one or more [exemptions](#). An appeal requires the agency to review the Chief FOIA Officer's initial determination at a higher administrative level.

FOIA Appeal Response Process

The appeal should be addressed to the Chairman's office, not the Chief FOIA Officer. (Note: If the Chairman's office receives an appeal, the FOIA Public Liaison will make a copy of the request and provide the Chairman's office with the original request.)

Upon receipt of the appeal request the FOIA Public Liaison will:

- Apply the [standard processing](#) procedures
- Retrieve the initial FOIA request
- Meet with the Chief FOIA Officer to discuss recommendations
- The Office of the General Counsel will circulate an action jacket for approval/disapproval of the appeal by the Commissioners
- The Commission has **twenty (20) days** from the receipt date of the appeal to respond to the requester

The Office of the General Counsel will prepare the response letter. Upon receipt of the response letter, the Information Services Specialist/FOIA Public Liaison will:

- Ensure that the letter contains language requested by OIP on mediation services is present. (see [FOIA Post](#) for guidance)
- Meet with the Chief FOIA Officer to discuss all documentation received relating to the appeal
- Prepare FOIA appeal hardcopy folder and include all received documentation
 - Update the FOIA database, annotate the appeal section of the initial FOIA record with the current appeal information

Referral FOIA Request

A referral FOIA request is a request for information held by another agency. These types of requests are handled initially like any other FOIA request and will generally be processed by the Office of the Secretary.

However, a referral is not applied when another agency requests assistance with their FOIA request to a requester. This type of request should be categorized as a "**Consultation**" (per DOJ) under section XII of the agencies annual report to DOJ. (See FOIA 11-29

(b) (7)(E) _____
_____ or the hardcopy
FOIA folder located in the file room)

Upon determining the Referral FOIA Request, the FOIA Public Liaison will:

- Prepare a letter to notify the referring agency of the following:
 - Seeking the release of their records to the requester
 - The referring agency should contact the requester directly and
 - Inform the requester of the transferred processing location
- Consult with the Chief FOIA Officer to discuss recommendations
- Prepare and send letters to the requester and referring agency
- Annotate Recordkeeping Guideline for FOIA Files
- Update the FOIA database. Select *Referral* category under the dropdown menu
- Create FOIA folder and include all received documentation and correspondence

Reverse FOIA Request

A reverse FOIA request may be submitted by a third party or previous party in the investigation who were removed or dropped out of the investigation (usually in Title VII investigations). The parties may request documents during the time of their non-participation from other parties in the investigation.

Upon receipt of the reverse FOIA request the FOIA Public Liaison will verify that the request was or was not a participant in the investigation at the time documents were submitted. (See [Participant](#) and [Non-Participant](#) process)

Participant

The Chief FOIA Officer will consider whether to release documents submitted after the requester has left the investigation if the party was a participant at the time the documents were submitted.

Non-Participant

A requester which is not related to the investigation may have access to public version documents. If the requester is not a participant, the Chief FOIA Officer will initiate the Predisclosure Notification Process.

Predisclosure Notification Process

The Chief FOIA Officer will review the reverse FOIA request to determine how to respond to the request. (i.e., Documents to release/in whole, part, or no records) If no public documents are available, the request should be annotated as **NO RECORDS**, denying them access based on [exemption 4](#). (hyperlink)

The Chief FOIA Officer will prepare a response letter and attach documents to be released, if applicable. The response letter and documents to be released may be reviewed by the designated Office of General Counsel staff, if necessary. *(Note: Responsive documents may be released in paper and/or cd format)*

Special Clearance with Filers

Responsive documents containing confidential information must be packaged as follows:

- Place the documents in an envelope, stamp **CONFIDENTIAL** on the front of the envelope, and seal the envelope
- Place the sealed envelope in a 2nd envelope, stamp **CONFIDENTIAL** on the front of the envelope, and seal the 2nd envelope
- Contact the courier service to schedule a pickup
- Contact requestor to verify receipt of the package
- A letter is sent to the requester letting him know submitter has been contacted and reviewing documents for release.
- At this point the clock stops for processing and picks up after the Chief FOIA Officer hears back from submitter on how to proceed with the possible releasability of the documents.
- After receiving response from requester, you will pick up that date, starting the clock again until the final letter goes out to requester.

Fees

FOIA allows fees to be charged for certain types of requests, but also provides waivers or reductions in fees be given if disclosing the information is in the public interest.

For fee calculation purposes, the following categories of requesters and their charges would generally be as follows:

- **Commercial:** Requesters who seek information for a use or purpose that furthers their commercial, trade, or profit interest are considered commercial requesters. Commercial requesters pay all fees for search, review, and duplication.
- **Educational:** Institutions of education, including preschools, elementary or secondary schools and institutions of higher learning, qualify as educational institutions. The records must be sought in furtherance of scholarly research. Educational requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost. (*Note: Students are not considered Educational requesters*)
- **Non-commercial Scientific institutions:** A non-commercial scientific institution is operated solely for conducting scientific research. The records must be sought in furtherance of scientific research. Like educational requesters, these requesters pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. The first 100 pages are provided at no cost.
- **News Media:** A representative of the news media is a person actively gathering news for an entity organized and operated to publish or broadcast news to the public. News media pay only duplication fees, unless it is determined that fees are waived or reduced in the public interest. Again, the first 100 pages are provided at no cost.
- **“Other” requesters:** Requesters who do not qualify in another category are considered “other” requesters, and normally make requests for agency records for their personal use. “Other” requesters receive two hours search, all review costs, and the first 100 pages at no cost.

Search fees are based on salary level of the searcher and time spent searching. For computer searches of records, the requester is charged the actual direct costs of conducting the search.

Review fees are assessed for those requesters who seek records for a commercial use. For each quarter hour spent by agency personnel in reviewing a requested record for possible disclosure, the fee is \$6.50.

If the Chief FOIA Officer determines or estimates that the fees for processing a request will exceed \$25 and the requester has not agreed to pay fees, the Commission will not process the request until agreement is received.

Fee Waiver

The Chief FOIA Officer may waive or reduce fees if it is determined that such a waiver or reduction is likely to contribute significantly to public understanding of the operations or activities of the government. (See 19 CFR [201.20\(d\)](#)).

All requesters should submit a willingness to pay fees regardless of the fee category; however, this does not mean that a fee will be charged. Except for commercial requesters, the Chief FOIA Officer will always consider requests for waivers.

The following factors are weighed in making a fee waiver determination:

- Subject of the request
- Informative value of the information to be disclosed
- Contribution to an understanding of the subject by the public likely to result from disclosure
- Significance of the contribution to public understanding
- Existence and magnitude of a commercial interest
- Primary interest in disclosure

FOIA Annual Reporting

This report covers fiscal year actions to be released to the Department of Justice (DOJ). It is compiled of data from all FOIA requests and appeals processed within each fiscal year. The annual report is submitted to DOJ by early December. DOJ provides edits and we work with them until it is ultimately approved for release in February of the next year. There is also a Chief FOIA Report that is prepared in January/February for posting on DOJ's website in March. (*Note: DOJ provides annual training on reporting requirements.*)

The FOIA Public Liaison will:

- Use the annual report from the previous year to account for some data for the current year's fiscal report
- Compile data received throughout the year to be included in the report. (i.e., Backlogs, consultations, comparisons, etc.)
- Use other reference material to assist in preparing the report (i.e., DOJ guidelines for annual reporting) Annotate the DOJ excel spreadsheet to submit the annual report. DOJ electronically sends the excel spreadsheet to the agency annually

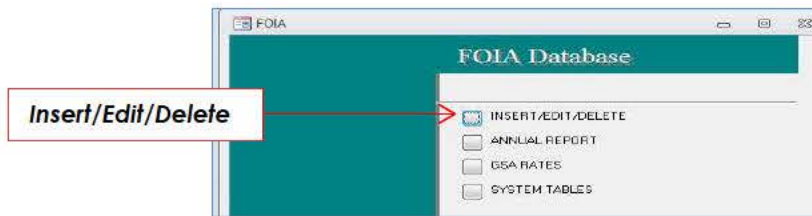
FOIA Case File Records Review

- A quarterly review of all outstanding (and carry over) FOIA files is conducted by the Secretary, the FOIA Liaison, and the Supervisory Hearings and Information Officer.

During this review the FOIA files are examined for all proper documentation and completeness.

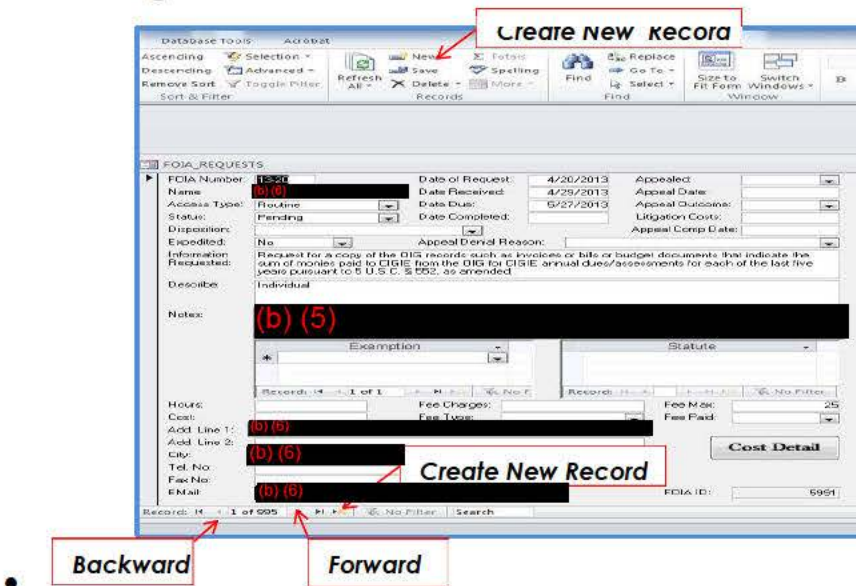
FOIA Database

The Freedom of Information Act (FOIA) database contains an electronic record summarizing the actions of the agency regarding all FOIA requests. Currently, paper copies of the FOIA record are located in the OSE file room (b) (7)(E). Upon receipt of a FOIA request, the Information Services Specialist/FOIA Public liaison will open a FOIA record for any FOIA requests received via mail; however, FOIA record is automatically generated for a FOIA request which is submitted via the web portal.



Step 1 Creating or updating a FOIA Request in the Database

- Select Insert/Edit/Delete
- Locate FOIA request or Create a "New" Record New FOIA requests can be created by selecting the "New" button



FOIA requests submitted via web portal can be located by using the backward or forward arrows

Step 2 FOIA Request Data Entry/Review:

- FOIA Number
- Date of Request: Enter date for paper requests; web portal requests will already be entered
- Name: Enter name for paper requests; web portal requests will already be entered
- Date Received: Enter received date for paper records or update the date if submitted via web portal on a weekend or holiday.
- Access Type: Select one (1) of the following:
 - Blank
 - First Person
 - Proprietary Information
 - Routine
- Date Due: FOIA requests are to be processed within 20 working days after receipt of the request unless expedited.
- Status: Pending
- Disposition: Blank
- Expedited: Yes or No

- **Information Requested**
- **Describe:** Enter request type (i.e., Individual, Private Corporation or law firm, news media, etc.)
- **Notes:** Enter information for all FOIA activity
- **Fee Max:** If provided, enter the maximum amount the requester is willing to pay for FOIA information. (i.e., 25)
- **Add. Requester's information in Line 1, Line 2, City, State, Zip, Tel. No, Fax No, and Email address**

Step 3 Closing a FOIA Request Record in the Database: Locate the FOIA Number in the FOIA database

- **Enter the following data:**
 - **Status:** Completed
 - **Date Completed**

- **Disposition:** Select one (1) of the following:
 - Denial
 - Duplicate Request
 - Fee-related Reason
 - Full Grant
 - No Records
 - Not a FOIA Request
 - Not a Proper FOIA Request
 - Not an Agency Record
 - Other
 - Partial Grant

- Records Not Reasonably Described
 - Referral
 - Request Withdrawn
- **Notes:** Include any additional FOIA activity information
- **Exemption:** *Enter applicable exemption, if necessary*
- **Statute:** *Enter applicable statute, if necessary*
- **Cost Detail:** *Use the completed Transmittal Sheet for FOIA Requests, Programming Office Production Guidance Office Search Guidance to identify all persons including their grade who worked on the FOIA request*
- Select **Cost Detail:** Enter the following information for EACH person who worked on the FOIA request:
 - **Name**
 - **Year:** Enter FY
 - **Grade**
 - **Hour:** Locate the time spent responding to the request and enter the value that is listed on the [Agency Employees Cost Activity Chart for FOIA](#) (located at (b) (7)(E)) for the specified timeframe
 - **Total:** This field will automatically calculate the total
 - **Total Hours:** This field will automatically calculate the total hours for all individuals who worked on the FOIA request. The Total Hours value should be entered into the **Hours** field of the FOIA record.
 - **Total Cost:** This field will automatically calculate the total cost for all individuals who worked on the FOIA request. The Total Cost value should be entered into the **Cost** field of the FOIA record.
- **Hours:** *Enter **Total Hours** value which is located in the **Cost Detail** section*
 - **Cost:** *Enter **Total Cost** value which is located in the **Cost Detail** section*
 - **Fee Charges** *(if applicable)*
 - **Fee Type:** *Select one (1) of the following categories: (see [Fees](#))*
 - Blank
 - Commercial use
 - Educational use
 - Media representative
 - Non-commercial scientific

- Other requester
- Fee Paid

Step 4 FOIA Appeals:

Enter the following fields in the FOIA database:

The screenshot shows a web-based form titled "FOIA_REQUESTS" for request number 11-26. The form is divided into several sections:

- Header Information:** FOIA Number: 11-26, Date of Request: 5/25/2011, Appealed: Yes.
- Personal Information:** Name: (b) (6), Date Received: 5/31/2011, Appeal Date: 11/1/2010.
- Access and Status:** Access Type: Routine, Date Due: 6/28/2011, Appeal Outcome: partial, Status: Completed, Date Completed: 6/20/2011, Litigation Costs: 4952.
- Disposition and Expedited:** Disposition: Full Grant, Appeal Comp Date: 12/3 /2010, Expedited: No, Appeal Denial Reason: (empty).
- Information Requested:** Processing two requests as one similar in topic--(1) A list of meetings in calendar year 2010 bet agency employees and the Office of Inspector General and White House officials (2) A list of meetings in calendar year 2010 between agency employees and the office of Inspector General and White House.
- Describe:** (empty field)
- Notes:** (b) (5)
- Exemption and Statute:** Two dropdown menus, both currently empty.
- Costs:** Hours: 6.42, Fee Charges: (empty), Fee Max: 100, Cost: 379, Fee Type: educational use, Fee Paid: (empty).
- Contact Information:** Add. Line 1: (b) (6), Add. Line 2: (b) (6), City: (b) (6), State: (b) (6), ZIP: (b) (6), Tel. No., Fax No., EMail: (b) (6).
- Buttons and Footer:** A "Cost Detail" button is located on the right. The footer shows "Record: 68 of 995" and a search bar.

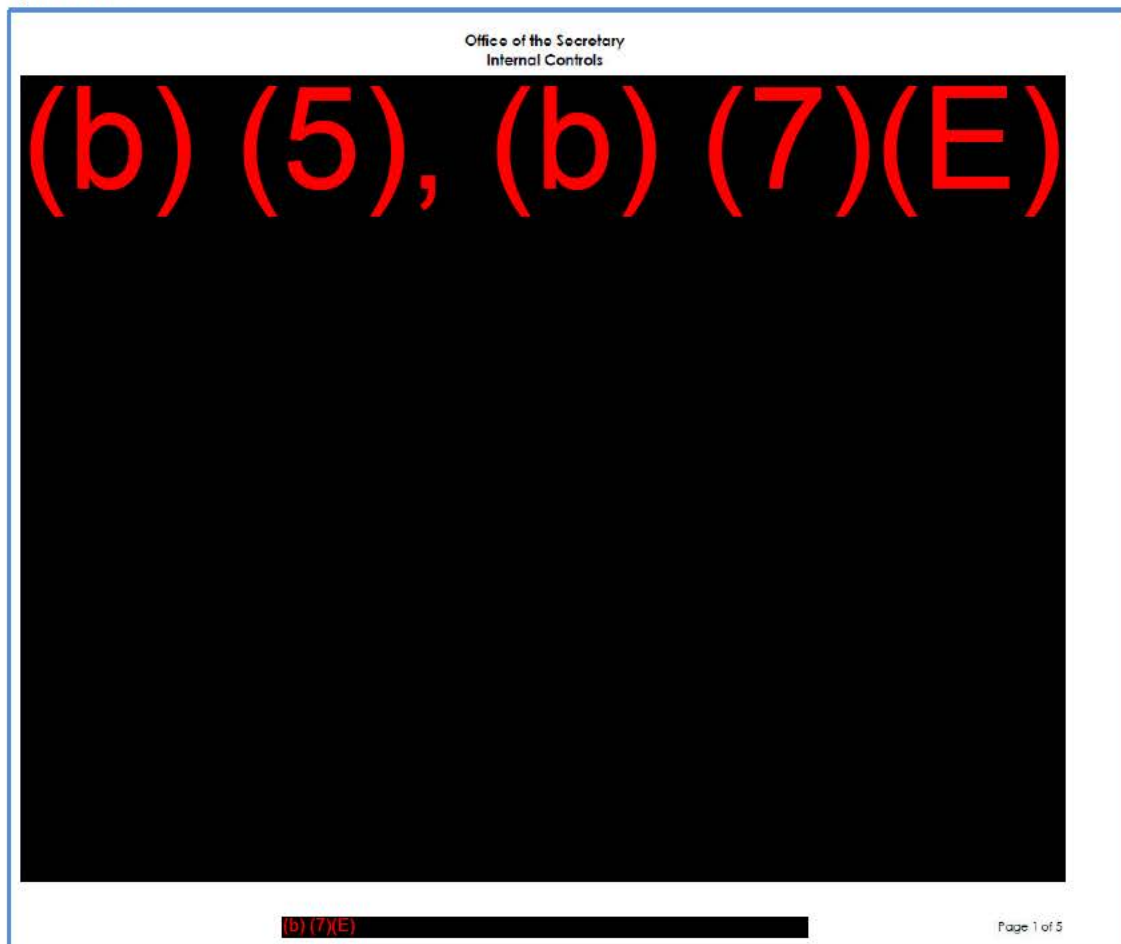
- **Appealed**
- **Appeal Date**
- **Appeal Outcome:** *Select one (1) of the following when closing appeal:*
 - Affirmed
 - Denied
 - Granted
 - Other
 - Partial
 - Remanded
 - Reversed
 - Withdrawn
- **Litigation Costs** (Use the *Cost Detail* tool to calculate the litigation costs)
- **Appeal Comp Date**

- **Appeal Denial Reason:** *Select one (1) of the following:*
 - Appeal Based Solely on Denial of Request for Expedited Processing
 - Duplicate Request or Appeal
 - Fee-related Reason
 - Improper Request for Other Reasons
 - No Records
 - Not Agency Record
 - Other *Explain in Notes below
 - Records Referred in Initial Request level
 - Records not Reasonably Described
 - Request Withdrawn
 - Request in Litigation

7.5 Internal Control

Internal controls have been developed to ensure that specific control objectives are continuously met. An internal controls spreadsheet has been created to identify the office work and authority flows. The internal controls spreadsheet is located on the master shared drive (b) (7)(E).

The internal controls spreadsheet is updated periodically by the Secretary, Supervisory Hearings and Information Officer, Chief of Docket Services, and the Records Management Specialist.



7.6 Internal Forms Management

The Internal Forms Management Program covers forms used to: collect or share information between one or more USITC offices, collect more than one type of Personally Identifiable Information (PII) within any USITC office. The Internal Forms Management Program does not cover: Standard Federal Government forms, forms that require the Office of Management and Budget Approval under the Paperwork Reduction Act (i.e., Collection of information from 10 or more members of the public), or forms which are used within a single office.

New or Revised Internal Form Requests

The requestor must determine the need for a new internal form or justify the reason for revising a currently approved internal form prior to submitting an internal request. The requestor must consider the following:

- Why is the internal form needed?
- What is the purpose of the internal form?
- How will the internal form be used?
- Which internal offices will use the form or will be affected by any modifications of the form.
- Is the proposed internal form the best way to collect the information?
- Why does the internal form need to be revised?
- Determine whether a form requesting similar information exists in another location (i.e., Intranet Forms Center, USITC Internal Forms Management Catalog, or GSA Forms Library (www.gsa.gov (GSA Forms Library))). If a form containing similar information exists in another location the requesting office must use the existing form.

Submission Process

Upon determining the need for a new internal form or justifying the revision a currently approved internal form, the requestor must prepare an Internal Form Approval Request (b) (7)(E)). Submit the completed request and the required attachments to: FORMS MANAGER, (b) (7)(E) or via email: (b) (7)(E) .

The new or revision action request must include the following information:

- Type of Action: Type of action requested (i.e., new internal form or revision of a currently approved internal form)

- Justification for Action: A brief description of the reason for the requested action. (i.e., new internal form required to initiate an action to create, revise, or retire internal agency forms.)
- Request Due Date: Provide date indicating when the internal form request should be completed.
- Title of Form: Identify the title of the internal form.
- Purpose of Form: Provide a brief description of how the form will be used and which internal offices will use the form or will be affected by modifications of the form.
- Form Design: The requestor must provide a privacy act statement for any form containing personally identifiable information such as name, social security number, date and place of birth, mother's maiden name, biometric records, or any other personal information which is linked or linkable to a specified individual. *(See Chapter 3.11 [Privacy Statements](#))*

A requestor may choose one (1) of the following options when requesting a new internal form:

- A requestor may provide documentation identifying the contents of the proposed form which must include instructions governing the use of the form. Form instructions should preferably be included within the text of the form; however, may be included on the back of the form or as a separate attachment. The requestor must attach the documentation with the Internal Form Approval Request. The Customer Service Team will contact the requestor to discuss the form information.
- A requestor may request the Customer Service Team to create the design layout by attaching a completed Internal Form Design Template.

The requestor should provide the following information:

- Section Heading: A section heading is used to identify each section of the form.
- Field(s): Group all related fields together by listing the name of each field to be included in each section.
- Field Instructions: List the instructions for each field.
- Comments, if any

- Create a form in final format using Adobe LiveCycle software. The proposed form must conform to the established design standards. The requestor must attach the proposed form with the Internal Form Approval Request.
- Revision requests must include a copy of the existing internal form with the annotated revisions and a completed Internal Form Approval Request.
- Contact Information: The requestor must identify the following information:
 - Office Name
 - Office Phone Number
 - Office Fax Number
 - Designated Point of Contact authorized to make changes or provide information regarding the form request
 - Point of Contact Email Address
 - Point of Contact Phone Number
- Authorization: The Office Director must sign the request. Requestors are encouraged to use a digital signature.

Approval Process

The Records Management Specialist will review the Internal Form Approval requests for compliance and forward the request to the Forms Manager for approval or disapproval.

Upon approval, the Records Management Specialist will:

- Review [Active USITC Forms Log](#) to identify and assign the next internal form number or update the edition date
- Create a folder and save a copy of the signed request on the master shared drive (b) (7)(E))
- Update the Internal Forms Management database
- Electronically transmit the approved internal form request to the Customer Service Team for design assessment.

If disapproved, the Forms Manager or Records Management Specialist will provide an explanation for disapproval and return the request to the requestor.

The Customer Service Team will work with the requestor to translate their information needs into a form. After designing the form, the Customer Service Team will electronically transmit the internal form to the requestor and Forms Manager or designee for review and testing.

The requestor and Records Management Specialist will review and test the internal form to ensure proper formatting, content, compliance, and ease of use. The requestor will notify the Forms Manager or designee of any discrepancies via email (b) (7)(E). The Forms Manager or designee will work with the Customer Service Team to correct any discrepancies. Upon resolution of any discrepancies, the review and test process will be repeated.

The requestor must notify the Forms Manager or designee of its final approval of the new/revised internal form via email (b) (7)(E). All internal forms will be posted on the intranet Forms Center; however, the requestor may provide additional web link location(s) for posting of the form. (i.e., web link location(s) and specific location on the website)

Upon notification of the requestor's approval, the Forms Manager or designee will electronically transmit the new/revised internal form to Web Posting. The new/revised internal form will be implemented upon posting on the intranet.

Rescind/Retire Internal Form Requests

When an internal form is no longer needed, the requestor must prepare an Internal Form Approval Request (b) (7)(E) to retire the internal form. Submit the completed request and a copy of the existing internal form to: FORMS MANAGER, (b) (7)(E) or via email: (b) (7)(E).

The retire form action request must include the following information:

- Type of Action: Type of action requested (i.e., Retire internal form)
- Justification for Action: A brief description identifying the reason for retiring the internal form.
- Request Due Date: Provide date indicating when the internal form request should be completed.
- Title of Form: Identify the title of the internal form.
- Purpose of Form: Provide a brief description of how the form is used and which internal offices use the internal form.
- Form Design: The requestor must provide a copy of the existing internal form.

- Contact Information: The requestor must provide all requested contact information.
- Authorization: The Office Director must sign the request. Requestors are encouraged to use a digital signature.

The Forms Manager or designee will review the Internal Form Approval request for compliance and approve or disapprove the internal form request. Upon approval, the Forms Manager or designee will electronically transmit the request to Web Posting for the internal form to be removed from the intranet. If disapproved, the Forms Manager or designee will provide an explanation for disapproval and return the request to the requestor.

Program Review

The Forms Manager or designee will initiate a biennial review with Office Directors of their internal forms management activities. The Office Directors will be provided an index of their current internal forms. At such time, the Office Directors must review the index of their current internal forms and initiate any actions necessary.

7.7 National Security Information (NSI)

The Office of the Secretary manages National Security Information (NSI) that has been determined, pursuant to Executive Order 13526, or any predecessor order, to require protection against unauthorized disclosure. The classifications Top Secret, Secret, and Confidential are used to designate such information, which is referred to as “classified information.” All NSI material must be managed and secured pursuant to the guidelines provided in the [United States International Trade Commission Security Handbook for National Security Information](#)³

Processing

Only authorized individuals with an approved “confidential” or higher security clearance, completion of NSI agency training, AND have been assigned to work with the handling of NSI reports within the Office of the Secretary (OSE) may access/handle NSI materials.

Receiving New Reports

- Agency investigative reports that contain classified confidential information will be given to OSE (see roster from the Office of Security and Support to clear staffer transmitting the report for OSE holding before receiving the report from them) at the end of the investigation after the report has been cleared by the Commission via action jacket. If a copy marked “*Commission Use*” is brought down, it is the version used to circulate in the action jacket for Commission approval and **SHOULD NOT BE ACCEPTED BY STAFF IN OSE AUTHORIZED TO RECEIVE NSI REPORTS**. For additional information please see the [Security Handbook for National Security Information](#).
- Reports should be brought down in a closed envelope when transmitting within USITC (see [Security Handbook for National Security Information](#)) by internal staff assigned to the investigation. If proper guidelines for transmitting the report are not followed, the report should not be accepted by OSE. Rather, proper guidance should be offered in accordance with the Security Handbook. One envelope may be provided to the staffer, but they are responsible for proper delivery to OSE once proper guidelines have been followed.
- Once the report is properly received check the cover for the proper investigation number, title, markings of “confidential” at the top and the bottom of the cover, the classification/declassification date range (10 years apart), and the letter from USTR (usually located in the back of the report). Sign the receipt given by investigative staff as acknowledgement of receiving the report.

³ (b) (7)(E)

- Record receipt of the report to OSE by having the investigative staff sign and date our form, acknowledging receipt of the report.
- Record the following information off the front cover into the Excel listing for current reports (see (b) (7)(E) [REDACTED]):
 - Inv. No.
 - Title
 - Requester
 - Instituted and completion dates
 - Security level “confidential”
 - Classification/declassification dates
- Make a label for a folder using the Investigation Number and place the report and OSE form of receipt in the folder, then in safe. **NOTE: Only authorized individuals have access to this folder.**

Borrowed/Returned Reports

When an authorized staffer (see roster from the Office of Security and Support to clear staffer to view reports before giving to them) seeks to borrow an NSI report, they must complete the form within the report folder, including the staff name and date borrowed. Staff will sign and date the form upon return of the NSI report. Once the report is signed out, the staff name and date borrowed must be recorded at (b) (7)(E) [REDACTED]; the same procedures apply to returned reports.

Safeguarding

Upon delivery of NSI the materials will be delivered to the addressee or their designee, Information Services Specialist. If the Information Services Specialist is not available then the materials shall be delivered to the Secretary. The Information Services Specialist should secure these materials unopened in a safe until the addressee or designee is available to pick them up.

All NSI should be locked in a GSA approved cabinet or storage area when not in the direct control of an authorized person; this includes laptops with access to NSI.

Security Check

All safes and surrounding areas designated for authorized storage must be checked at the end of each day using the appropriate forms on each safe and door. (see [Security Handbook for National Security Information](#) for types of forms) Also, as part of security, after opening and closing each safe, your initials

and time should be noted at each session and check to make sure the safe is secure.

Declassification

All requests for declassification and release of national security information in the custody of the Commission shall be directed to the Secretary. The Secretary shall refer all requests for mandatory declassification review of classified information to the originating Federal agency along with his/her recommendations.

Following consultation with the originating agency the Secretary will notify the requestor of the referral.

7.8 Passport Services

The Office of the Secretary, Hearings and Information Division, handles the process of obtaining official passports for work-related travel for USITC employees.

There are two types of passport forms USITC staff should use:

- Official Passport form (Form DS-82): This form should be used by staff that has previously been issued a U.S. Passport.
- Personal Passport form (Form DS-11 or DS-82): This service can only be offered when applying for an official and personal passport at the same time. Two of the same identical forms will need to be filled out if the applicant is requesting this service. For first time applicants use Form DS-11.

Submission requirements

USITC staff must submit the following documents to the Supervisory Hearings and Information Officer or the Program Support Specialist when applying for a passport:

- Completed Form DS-11 or DS-82:
- Proof of U.S. Citizenship (i.e., birth certificate or personal passport) **(Form DS-11 or DS-82)**
- Proof of Identity (i.e., USITC HSPD-3 ID Badge or valid driver's license) **(Form DS-11)**
- Two identical 2"x2" photos **(Form DS-11 or DS-82)**
- Letter of authorization signed by the Secretary **(Form DS-11 or DS-82)**

Processing

The Supervisory Hearings and Information Officer or Program Support Specialist will make a copy of the application cover letter for recordkeeping purposes. The Program Support Specialist will make arrangements for the completed passport package to be hand carried to the Passport office along with a [DS-7691](#) (2) copies.

The Program Support Specialist maintains a spreadsheet which identifies all issued passports and its expiration date. The Program Support Specialist notifies USITC personnel xx days prior to the passport expiration date.

7.9 The Privacy Act

A request by an individual⁴ to gain access to his or her record(s) or to any information pertaining to him or her which is contained in a system of records⁵ maintained by the Commission shall be addressed to the Privacy Act Officer. The USITC publishes in the Federal Register descriptions of the systems of records it maintains under the Privacy Act of 1974, pursuant to 5 U.S.C. § 552a(e)(4). All requests for information under the Privacy Act are directed to the Office of the Secretary. The Secretary is the Privacy Act Officer.

Privacy Act staff (the Privacy Officer or designee and the FOIA Public Liaison or designee) **shall acknowledge receipt of a request within ten days** (excluding Saturdays, Sundays, and legal public holidays). Privacy Act staff has **30 days** (excluding Saturdays, Sundays, and legal public holidays) to process the request and notify the requestor if the request is granted or denied. If access is not granted, the requestor shall be notified of the reason in writing. The 30-day time period includes logging in the request, identifying the appropriate office in which to locate the proposed records indicated in the request, retrieval of any responsive records, and determining whether the records are releasable under the Act.

Requests for Records

A requestor may submit a written request for records. The request should include the following information:

- Request labeled, “Privacy Act Request,” preferably within the request letter and on the envelope, and address the request: The Privacy Act Officer, United States International Trade Commission, 500 E Street SW, Room 112, Washington, DC 20436.
- Description of the specific records requested so that they can be located with a reasonable amount of effort. Generally, a record is reasonably described when the description contains sufficient file-related information (for example, the request of the individual shall name the system(s) of records maintained by the Commission which he or she believes contain records pertaining to him or her, shall reasonably describe the requested records, and identify the time period in which the records were compiled). *(Note: Although an incoming request not stating the above may be processed under the Privacy Act at the discretion of the Privacy Act Officer and if the request reasonably describes agency records. If a*

⁴ See 19 CFR 201.23 (a) – defines an individual as “a citizen of the United States or an alien lawfully admitted for permanent residence.”

⁵ See 19 CFR 201.23 (d) – defines a system of record as “a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying particular assigned to the individual.”

requestor requests his/her own records (i.e. requestor's last name), the request should be treated as a Privacy Act request regardless of whether requestor specifically mentions the Privacy Act. For example, a FOIA requestor seeking records containing his/her own name should be treated as both a FOIA and Privacy Act request.)

Standard Processing

Upon receipt of the Privacy Act request, the FOIA Public Liaison will:

- Annotate the received date on paper Privacy Act requests;
- Examine and review the request to ensure that the request meets the above minimum requirements for processing in the Request for Records section under the Privacy Act;
- Analyze the request to determine the programming office(s) to respond to the request;
- Create a new record for the Privacy Act request

(b) (7)(E)

- Assign Privacy Act number
- [Transmittal Sheet for Privacy Act Requests](#)

Annotate the following fields:

- Programming office(s) ***(Note: After meeting with the Privacy Act Officer, prepare a separate Transmittal Sheet for Privacy Act Requests. This is required for each programming office that may have documents responsive to the request so they may take the appropriate actions to retrieve such documents.)***
- Subject
- Privacy Act Request Number
- Date(s) Received in Secretary's Office
- Date of programming office(s) reply (COB)
- Statutory Deadline Reply under the Privacy Act ***(Note: Privacy Act requests are to be processed within 30 working days after receipt of the request.)***

The Privacy Act Officer may make additional recommendations or concur with the FOIA Public Liaison's recommendations. The Privacy Act Officer will approve the request by signing the Transmittal Sheet for the Privacy Act Request. After meeting with the Privacy Act Officer, the FOIA Public Liaison will:

- Make copies of the Privacy Act package as follows:
 - Programming office(s)
 - One (1) copy for ***each*** office that is required to take action/respond to the request.
 - Place a check mark beside ***(for information/action)*** to denote the required response.
 - Office of the General Counsel (OGC) (Denote ***for information*** unless they may have documents responsive to the request and it should denote ***action***)
 - One (1) copy
 - Privacy Act file copy
- Create a Privacy Act folder
 - A hardcopy Privacy Act folder should be created and stored in room (b) (7)(E)
 - An electronic Privacy Act folder should be created and stored at (b) (7)(E)
- Contact the requester via email or phone to acknowledge receipt of their request.

Distribution

- Prepare the Privacy Act package for distribution as follows: *(Note: In the top right corner of the **Transmittal Sheet for the Privacy Act Request** annotate the date that the request is sent to the recipient.)*
 - OGC: Privacy Act package can be sent via interoffice mail to the Assistant General Counsel handling administrative matters in the Office of the General Counsel
 - Programming Office: Hand-carry the Privacy Act package to each programming office. Generally, the administrative staff will receive the Privacy Act request and will circulate the request to the required office staff. ***(Note: Send an email to the recipient of the Privacy Act package for them to acknowledge receipt of the Privacy Act package and to offer assistance regarding completing the Privacy Act request. (i.e., Privacy Act Request ##-## was delivered to recipient. Please confirm receipt of the request and contact the FOIA Public Liaison if you have any questions.)***

Fees

Fees are not charged for the cost of searching for and reviewing an individual's records. (See 19 CFR 201.31 regarding fees) Requestors are only charged for any duplication costs at the rate of \$0.10 per page. There is no charge, however, when the total amount does not exceed \$25.00.

Grant or Denial of Records

The Commission does not disclose, except as permitted under 5 U.S.C. 552a(b), any record which is contained in any system of records maintained by the Commission to any person, or to another agency, except pursuant to a written request by, or with, the prior written consent of the individual to whom the record pertains.

- Grant of records – A requestor may make arrangements with the Privacy Act staff to review records during the regular business hours of the Commission (8:45am to 5:15pm, Monday – Friday). An individual may also request the Privacy Act Officer to provide the individual with a copy of his or her records by mail. **(Note: A requestor will not be granted access to his/her records without adequate identification (if review of records is in person) or if requesting records by mail, an individual must provide full name, current address, and date and place of birth. The request must be signed and either notarized or submitted pursuant to 28 U.S.C. 1746, which permits statements to be made under penalty of perjury as a substitute for notarization.)**
- Denial of records – Certain records may be exempt from disclosure under the Privacy Act. For specific exemptions see Commission Rules 19 U.S.C. § 201.32 and see also [DOJ's Privacy Act Overview](#)⁶ or [DOJ's Privacy Act Overview of the Ten Exemptions](#)⁷. If access to the record(s) is denied, the requestor shall be notified of the reason(s) in writing.

Requests to Amend/Correct Records

A requestor may seek to amend and/or correct a record within the Commission's system of records. The requestor should make the amendment/correction request: 1) in writing; 2) identifying each particular record in question; 3) the system[s] of records wherein the records are located; and 4) specify the requested amendment and/or why record(s) in question are not correct. The request for amendment of records should be addressed to the Privacy Act Officer, United States International Trade Commission, 500 E Street

⁶ Department of Justice (DOJ) Overview of the Privacy Act of 1974 is located at: <http://www.justice.gov/opcl/privacyactoverview2012/1974indrigacc.htm>.

⁷ Department of Justice (DOJ) Privacy Act Overview of the Ten Exemptions is located at: <http://www.justice.gov/opcl/privacyactoverview2012/1974tenexemp.htm>.

SW., Washington, DC 20436, and must clearly indicate both on the envelope and in the letter that it is a Privacy Act request for amendment of records. (See 19 U.S.C. § 201.28).

The Privacy Act Officer shall acknowledge receipt of the request in writing no later than 10 days (excluding Saturdays, Sundays and legal public holidays) after the date of receipt of a Privacy Act request for amendment of records. If the request is granted the Privacy Act Officer shall promptly direct to make the corrections to the record. If the request is denied, the Privacy Officer shall inform the requestor of the basis of the denial in writing.

Accounting of Record Disclosures

Pursuant to Commission Rule 19 U.S.C. § 201.29, a person may request an accounting of disclosure of his or her records. The Commission is required to keep an accounting of any disclosure of record(s) (with some exceptions). Such requests must be made in writing to the Privacy Act Officer, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The request should specify the particular record(s) and the system of record(s) at issue.

Commission Review

If a requestor disagrees with a denial of access to a record by the Privacy Act Officer, the individual may request a review of such refusal by the Commission within 60 days of receipt of the denial of his or her request. A request for review of such a refusal should be addressed to the Chairman, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436, and shall clearly indicate both on the envelope and in the letter that it is a Privacy Act review request. (See 19 U.S.C. § 201.30(a)).

The Commission will make a determination no later than 30 days (excluding Saturdays, Sundays, and legal public holidays) from the date on which the Commission receives a request for review of the Privacy Act Officer's or the Inspector General's refusal to grant access to a record, to amend a record, or to provide an accounting of a record disclosure. The Commission shall complete such a review and make a final determination thereof unless, for good cause shown, the Commission extends the 30-day period.

7.10 Records Management

The Docket Services Division is responsible for managing the official record of all investigative record material throughout its life cycle. Internal and external parties submit filings regarding investigative case matters in electronic and/or paper form. Paper filed documents are scanned to convert the documents into an electronic Portable Document Format (PDF) record. The electronic record is considered the official record upon successful page-by-page verification for paper files and upon validation for electronic files received, which is also the date of verification.

All records are filed and maintained for use according to their media type (electronic, microfiche, or paper), disposition authority, record series, and security level. Electronic records are maintained and stored in the Electronic Document Information System (EDIS) until the NARA-approved retention period has perfected at which time the electronic records will be destroyed or transferred to NARA. Active paper records requiring temporary retention are stored in the authorized Docket Services Division file stations located in room 112-A and 118. Inactive records are destroyed according to the General Records Schedule (GRS) and the NARA-approved USITC Records Disposition Schedule which complies with [Executive Order \(EO\) 12356](#), [Government Paperwork Elimination Act \(GPEA\)](#) and the [Privacy Act of 1974](#).

The following procedures have been set forth to implement the proper procedures to provide adequate documentation of the Docket Services Division records throughout their life cycle pursuant to the NARA & USITC Coordinated & Approved USITC Records Disposition Schedule, NARA's General Records Schedule (GRS), or Program Schedule.

Electronic Records

Accepted electronic (.PDF) records filed via EDIS are reviewed and validated by the Docket Services Division staff. Electronic (.PDF) records are stored and maintained in EDIS for 20 years; however, records relating to a case with an outstanding order will be retained until the expiration of the outstanding order.

Electronic records will be removed from EDIS when the NARA-approved retention period has perfected.

Electronic Media Submission

Parties may submit electronic media (CD/DVD) containing electronic (.PDF) records for filing in investigative case matters. Instructions on preparing filings on electronic media are listed in the supplemental documents. (See [United States International Trade Commission Handbook on Filing Procedures](#), Use of Electronic Media)

Creation of Records

The Hearings and Information Division receives various documents that have been originated by a USITC office. Many of these documents require the signature of the Secretary at which time the official record is created. (i.e,

Commission opinions/orders, Correspondence, Federal Register Notices, etc.) The Office of the Secretary is the official record holder of all information relating to an investigative matter, minutes of the Commission, and publications.

MAINTENANCE AND USE OF RECORDS

Electronic records

Electronic records are stored and maintained in the Electronic Document Imaging System (EDIS) and on the Local Network shared drive (b) (7)(E) .

Paper & CD Files/Records

Paper records are filed in EDIS and stored in the authorized Docket Services division file stations located in rooms (b) (7)(E) until the cut-off date, which is 90 days after it's verified by a Dockets Case Manager. NARA-approved retention period has perfected. *(NOTE: Full boxes of paper records that have not reached the NARA-approved retention period are stored in (b) (7)(E)*

- All non-337 Investigation Physical Records to include Title VII (Paper & CD) are filed by Investigation number.
- All 337 Investigations are filed by month and year they were verified.

Unscheduled Records **Must be maintained permanently until they are scheduled.**

Unscheduled records are USITC records without USITC & NARA approved documentation addressing its lifecycle and disposition instructions. Physical Exhibits, Post Trial Exhibits and all Investigation types such as 332, 1205, TPP that are not addressed in the current Disposition Schedule are known USITC Unscheduled records as of February 2016. All unscheduled records must be maintained as permanent records until their lifecycle and disposition instructions are documented, coordinated and approved through USITC functional offices and leadership, which ultimately must be approved via the ERA system by the ITC Chairman, Agency Records Officer and NARA.

Scheduling Records

To create a schedule, the disposition for each record type must be documented, coordinated through offices with a technical and/or functional interest. By coordinating through the appropriate offices (GC, CIO, Investigations...) the disposition instructions are more likely to capture and reflect the agency's business processes and requirements of how to create/receive, reference and maintain the unscheduled record being scheduled. After all coordinating offices have made their input to the OSE Records Manager, regarding the lifecycle and disposition; the recommendations will be synthesized into a final draft to be

submitted to the H&I Supervisor and Dockets Attorney Supervisor. After the OSE Division Chiefs submit their input/recommendations and the Records Manager ensures all coordination is tracked on a coordination sheet such as the Action Jacket to document the input with the Record Set, the final draft is ready for OSE approval and then CIO, GC and finally the Chairman. Once all of this coordination has been completed, the disposition is ready for final approval via ERA by NARA. NARA recommends that all records schedules should be coordinated with the agency's assigned Archivist before submitting it in ERA to ensure quick turn-around and approval. So be sure to work with the Agency Records Officer to get connected to the NARA Archivist during the draft and coordination phase especially BEFORE final approval of GC and the Chairman. By the time the Final Disposition Instructions are submitted to the GC and Chairman, every Directorate with a requirement to review must review and provide their final inputs and approvals in order to submit a near-finished product. GC must be involved in the coordination phase to ensure they are in agreement with the final draft before it is ready for the Chairman.

NARA Records Certification Training Guides two through six are excellent reference and training aids to help learn all about Federal Records Management to include scheduling. (The binders on the shelf in the OSE Records Manager's office.

Verification and Destruction Reports of OSE Records

Physical records (paper, CDs & DVDs), except administrative record documents, are eligible for destruction 90 days after verified that the record copy is captured and stored in EDIS. Post-Trial exhibits and electronic files that are not compatible to be uploaded to EDIS are currently maintained as unclassified records, they are stacked in boxes in the back of the Scan Room 118, they must be maintained permanently until a disposition schedule is created.

Destruction of Paper, CD, & DVD Records

Electronic records must follow the cut-off and disposition instructions outlined either in the USITC disposition schedule or General Records Schedule.

Physical Records (Paper, CD & Product Samples) Disposition Instructions:


337 Investigation paper & CD records have different destruction procedures than any other type of USITC Investigation. The procedures are as follows:

- Retrieve **Verified** documents dated AT LEAST 90 days from the current date. See

USITC - EDIS Home - Google Chrome

https://edis.usitc.gov (b) (7)(E)

Apps ★ Bookmarks Chrome LII 19 CFR Part 210. Su... Google Health Benes Jobs IT Solutions Schools Shops

 **United States International Trade Commission**

Home Help

Login

Electronic Document Information System (EDIS)

Welcome to EDIS. You are currently not logged in.

EDIS is the repository for all documents filed in relation to an investigation conducted by the United States International Trade Commission (USITC). EDIS provides the capability to file documents for an investigation as well as search for documents which have been submitted to the USITC.

Select a tab option above to proceed or login to access other EDIS functions, such as search or electronic filing. Please login using an EDIS user name and password. If you do not have one, please register via the link on the right. If you are having difficulty with your EDIS account, contact the EDIS Help Desk at (202) 205-EDIS (3347) or via email at the link below for assistance.

Info	Help
What's New in EDIS Handbook on Filing Guidance on Copy Rqmts. E-Filing Waiver Guidance	EDIS 3 User Guide EDIS 3 Web Service Guide All EDIS Help Documents

For full EDIS access:
[Login](#)


If you need an EDIS account:
[Register](#)

Forgot your password?
[Forgot Password](#)

Stay up to date on filings with RSS
[RSS FEED GENERATOR](#)

Do you have a question for the EDIS Help Desk? Please call 202-205-EDIS (3347) or to email your question click [Contact Us](#).

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1. Go to the EDIS webpage see URL above





EDIS Login


Enter Username and Password



Username 

Password 

Please type the word appearing in the picture



 Login  Reset

2. Log In

(b) (7)(E)

(b) (7) (E)

(b) (7) (E)

5. In order to pull a report that displays only records that were marked, “Verified” using the Tracking Tool in EDIS, select the following search parameters:
 - 5.1. “Verified Date”
 - 5.2. Date Criteria “From-Through” and select the first day and last days of the month to run a monthly report. Of course you may select other date parameters to fit other purposes.
 - 5.3. Once the above search parameters are selected the system defaults to “All Documents”, now click the **Execute Report** button.

(b) (7)(E), (b) (6)

6. Export results by selecting the desired format in the top left corner.

NOTE: If you plan to leave the report exactly as it is, export the report as a PDF but until the CIO/EDIS folks create a custom report for our OSE Records Retention and Verification purposes, we will Export to XLS

(b) (7) (E)

7. The export File will show up in the bottom left corner of the EDIS screen, double click the file to open

(b) (7) (E)

8. A Microsoft Excel window should open after you double click the file in Step 6 and you should see the above report

(b) (7)(E)

9. Save the Report on the Shared Drive using the following path: (b) (7)(E)

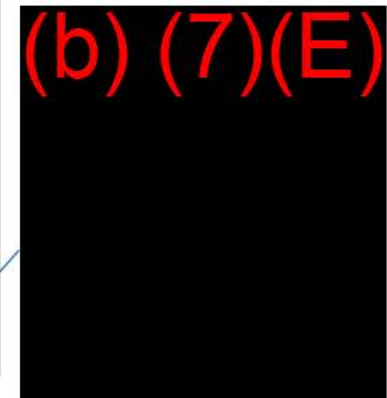
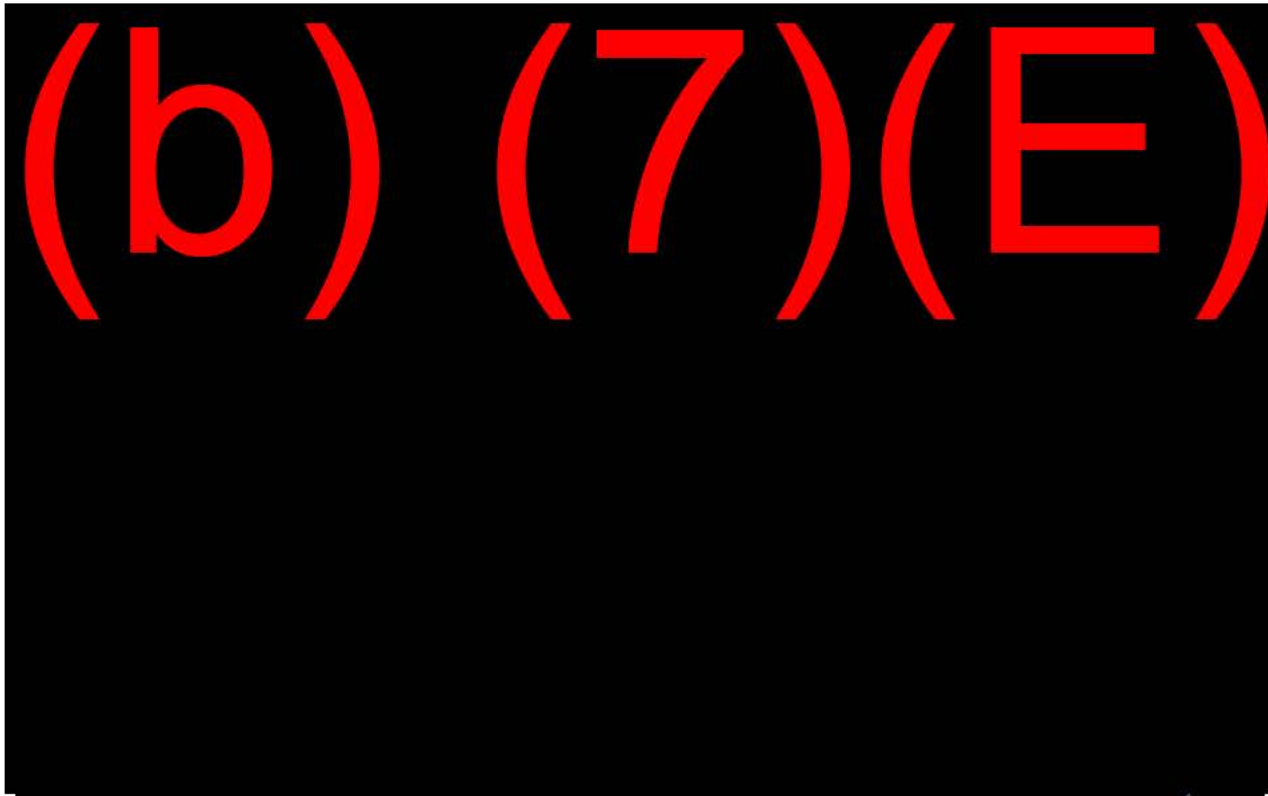
- Reference the above naming convention in order to maintain your files to easily retrieve them.

Congratulations!!!

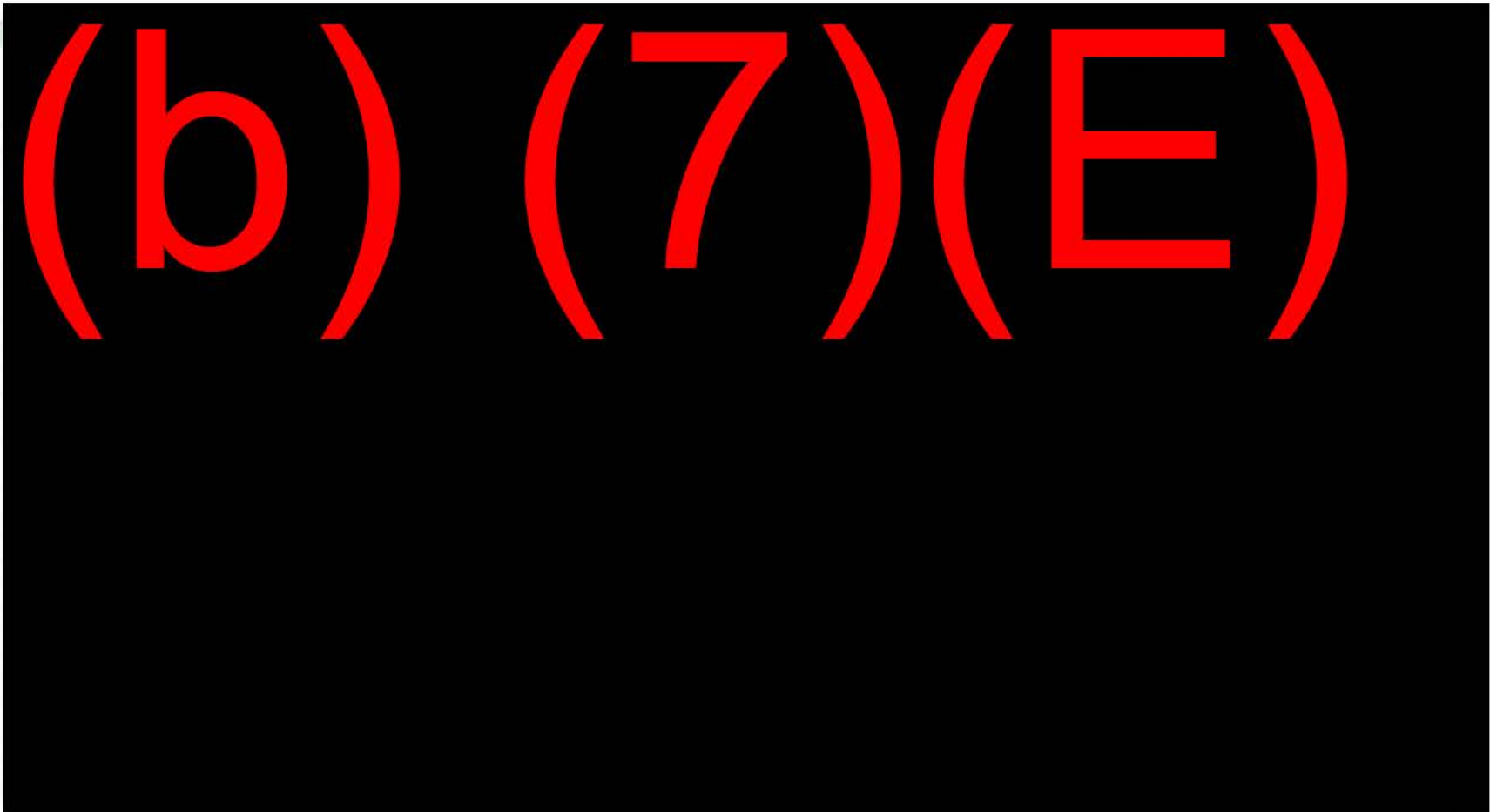
If you have reached Step 8 and everything went smoothly, you just successfully saved a monthly Verification & Destruction report, which includes all that month's records that were verified to be a copy of the Official Record on EDIS. The Dockets Services team receives, validates and verifies all USITC Records. Go on to the next

(b) (7) (E)

1. Expand empty Column A
2. Delete the Top Two Rows
3. Expand empty Column M



4. Expand Hidden Column L, which can't be seen initially upon opening the spread sheet,
 - a. Place the cursor on the line between K & M until you see the bold, double arrow cursor.
 - b. The line between K & M is slightly darker than the other column lines because there are actually 2 lines there that need to be separated.



5. Abbreviate Column B to Doc ID



6. Click in the Doc ID Cell and drag it left to Column A, which will copy the formatting from B to A

(b) (7) (E)

7. Rename Column A to Inv #, which is short for Investigation Number

(b) (7) (E)

8. **Rename Column J, Destroyed Date to Days Verified**
9. **Rename Column K, Destroyed by to Report Date**, which will be populated by the date you ran this report and will be used for the formula to calculate the number of Days the document has been Verified prior to the report date

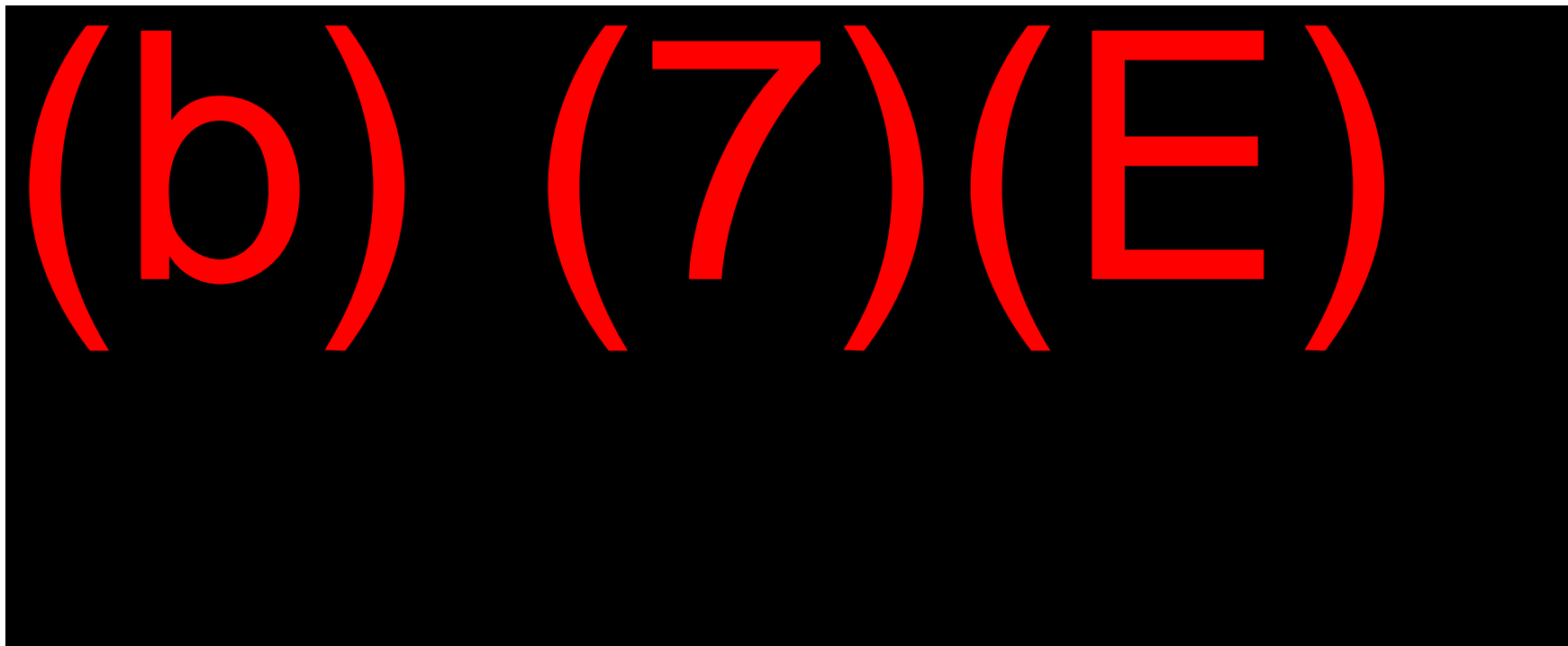
(b) (7) (E)

10. Select all the Investigations that are not 337 Investigations and then right click and select Delete, ensure you have the entire rows highlighted. If the report begins with 337 Investigations, skip and go to Step 11.
11. Place your cursor in one of the top row cells and then click, View in the Top Menu bar, then Freeze Panes so you can scroll down to the Title VII Investigation without losing the Title Row Names

(b) (7) (E)

The reason for deleting all rows that involve non-337 investigations is because this Verification & Destruction Report Process applies only to 337s

12. Select all the Title VII Investigations, which begin with the number 7, then right click and select Delete, ensure you have the entire rows highlighted.



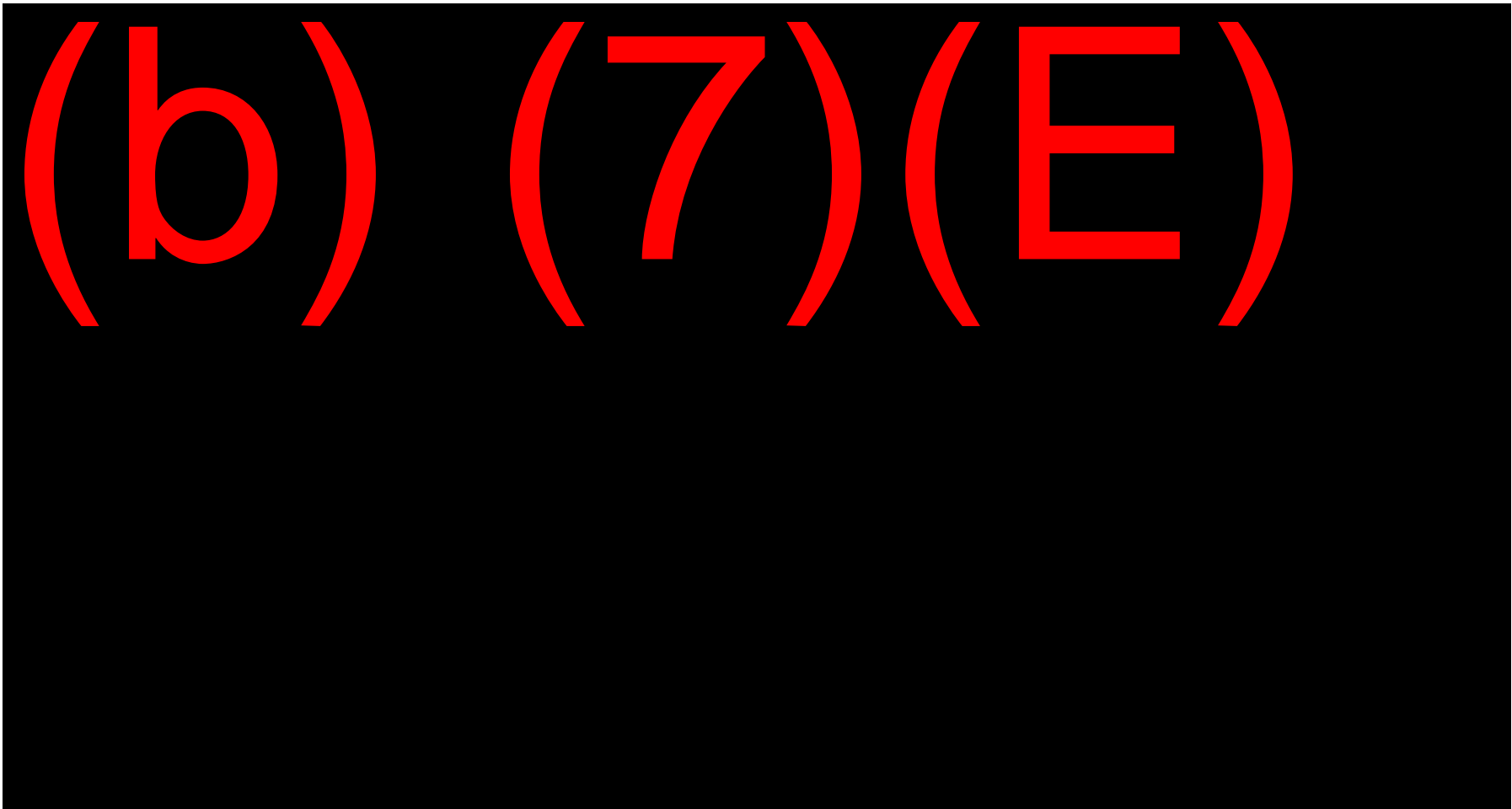
13. Place the cursor in the corner of the spreadsheet, just above Row 1 and to the left of Column A and click, this will select the entire spreadsheet
14. Once the spreadsheet is highlight, click "Merge & Center" above, see Step 15.

(b) (7) (E)

15. Select the cell with the Investigation Number in it and move it to first row of the documents under it, see example on the next page.
16. Expand Column A to fit the Investigation Number and Type in the Column so that the number is on top and the type of investigation is on the bottom
17. Then click in the corner of the Spreadsheet again, select Calibri, 10 Font, then select Format & Auto Height but leave the Investigation Numbers bold, it will help you to easily identify what you're looking for as you scroll through the spreadsheet.

(b) (7) (E)

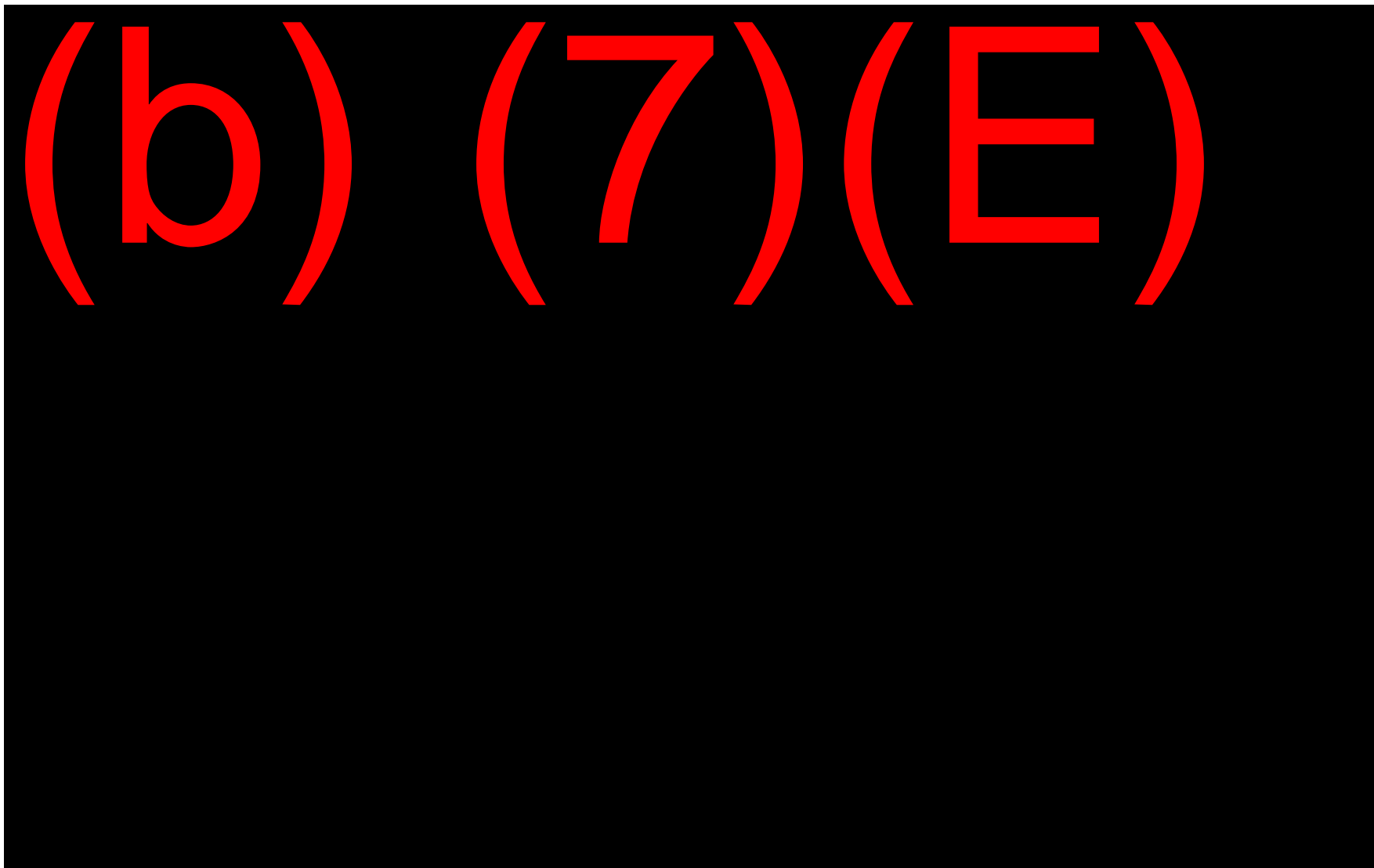
18. Delete the empty rows and repeat all the way to the end until you have the entire spreadsheet with no blank rows and all the Investigation numbers copied in Column A



19. To copy the investigation number in the column instead or retying it, click the cell and then drag it until you reach the next Investigation

(b) (7) (E)

20. Whatever day you are creating the above report, that is the date you will type in the cell titled, "Report Date"



21. If you click and drag the date down the column, it will select sequential dates, so type the date a second time under the first date

(b) (7) (E)

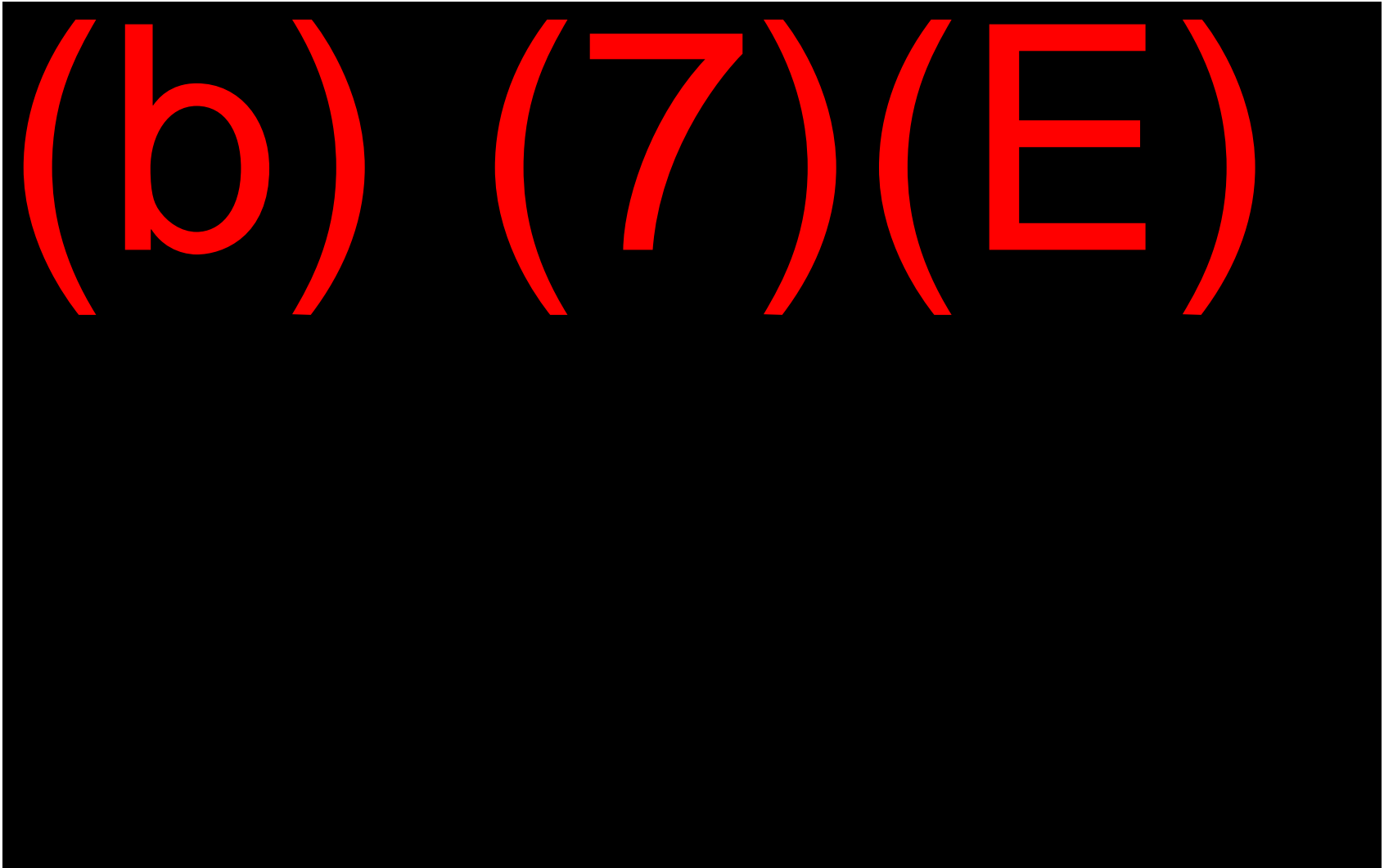
22. Highlight both of the above cells (K2 & K3)

23. Next scroll the cursor into the right, lower corner of the cell, until you see the cross **+**, indicating you may click and drag to copy the contents of the two cells, scroll all the way to the bottom of the spreadsheet

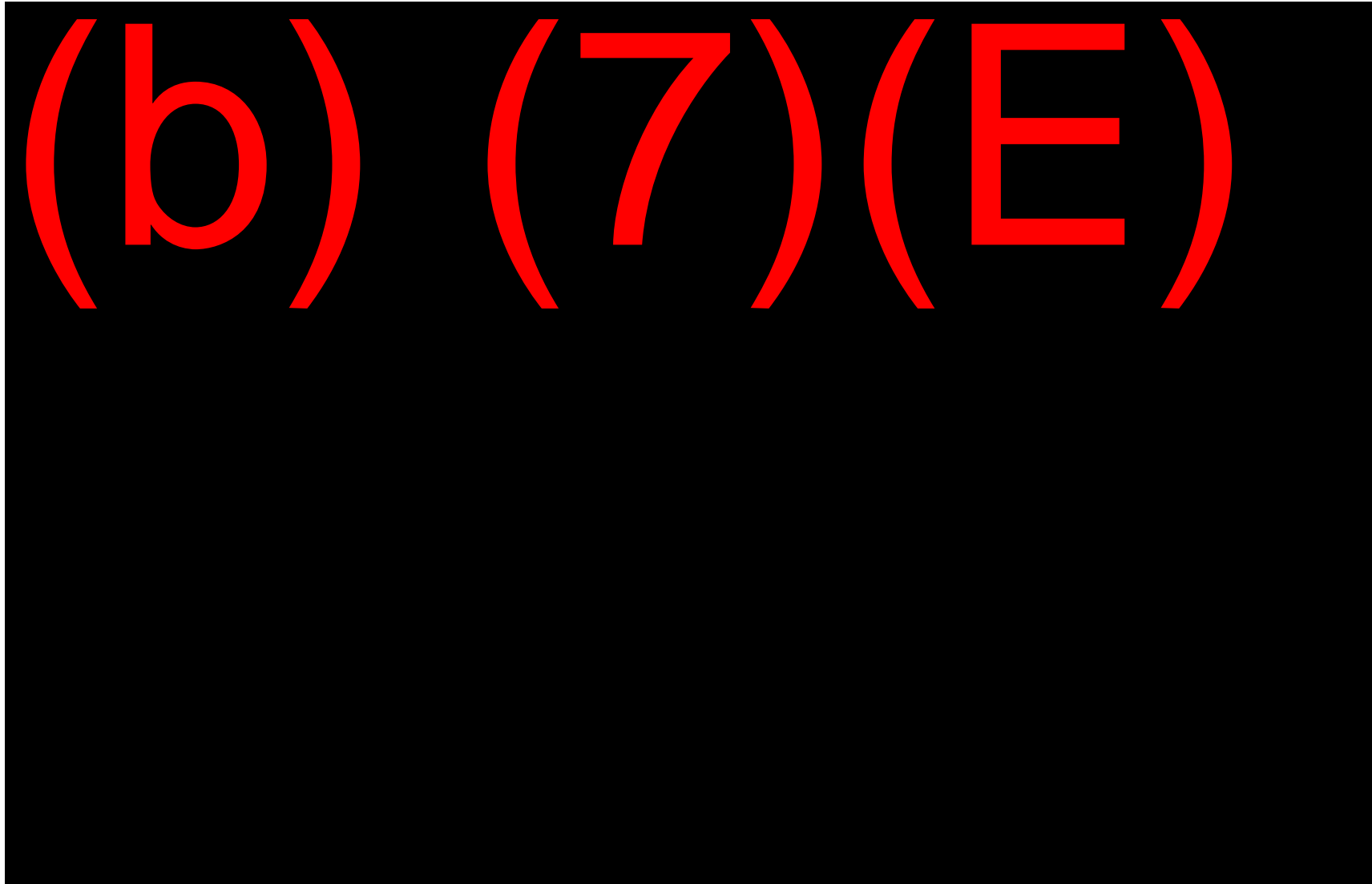
(b) (7) (E)

24. Click in the cell directly below "Days Verified"
25. Notice the formula above and type that formula into this cell

26. Next click that cell and drag it all the way down the spreadsheet to copy the formula into the remaining cells in the column, see example below.



27. A Few Last Steps: Highlight Column A Inv# and turn off the bold by clicking the B icon, then click on Page Layout, click Orientation, Landscape,



28. Highlight Top, Title Row, then Click on Print Titles, the top row should populate into the window the same as above
29. Then click in Header/Footer Tab, Click Custom Header and Type the Name of the Report, "MTH/Year 337 Verified Ready for Destruction Report", click ok, click save and you're done.

After you have saved the above monthly Verification & Destruction Approval Report, you will complete USITC Form 24, Records Disposition Authorization Form, save it in the same location as the report. Refer to past examples for how to complete Form 24. Electronically sign it, attach to an e-mail along with the monthly report and send it to the Secretary and courtesy copy the Scan Room Operators, the Interns and the H&I & Dockets Division Chiefs/Supervisors.

The Secretary will check the report and indicate approval by digitally signing the USITC Form 24 and e-mail it to the OSE Records Manager.

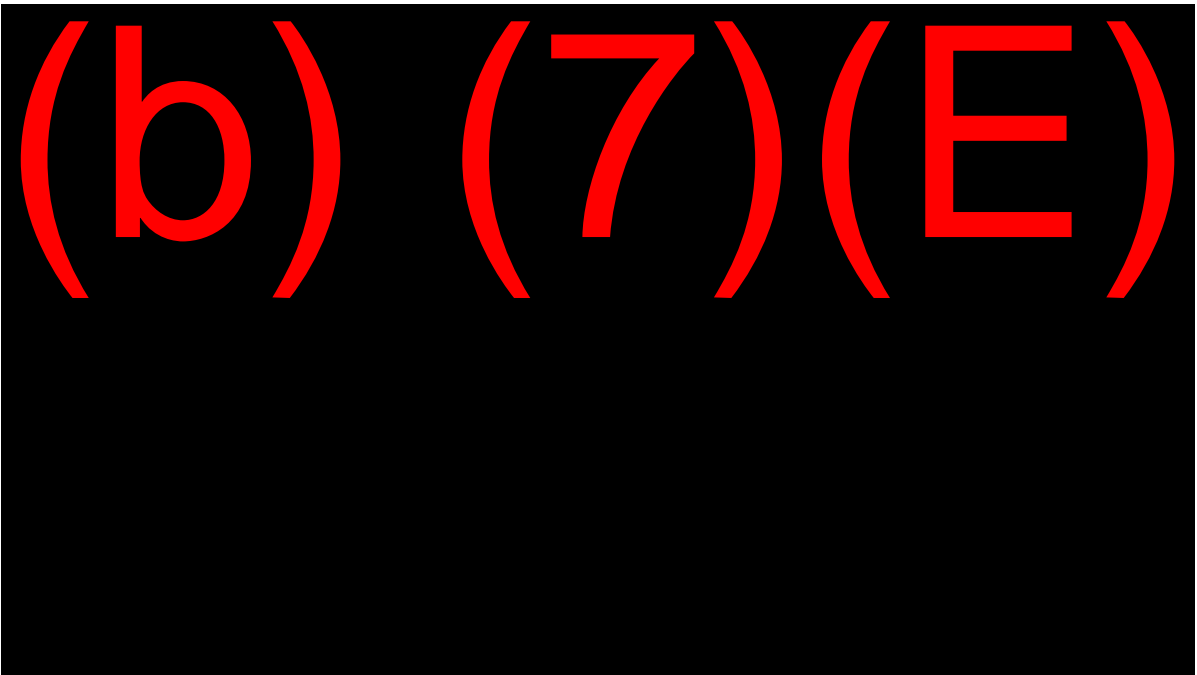
The records for that month are then approved for proper disposal in the Shred Bins, at which point either the Scan operators or the Interns can deposit the papers and cds in the proper destruction container.

Remove all paper fasteners, except small staples, and place the filing documents, in Doc ID order, in a box for destruction

Anytime after the 90+ Days Verified records have been destroyed, the report can be used to mark the paper/cd copy destroyed. Use the following instructions to mark the records destroyed in EDIS



- Log on to **EDIS**
- Select **Dockets Desk**
- Select **Track Documents**



- Select ***Destroyed*** from ***Tracking Location*** drop down menu
- Enter ***Document ID #*** (*The best way is to copy and paste the Doc ID from the electronic spreadsheet to ensure the correct Doc ID is marked Destroyed*)
- Select ***Submit***

CONGRATULATIONS!

You have reached the end of the 337 Verification and Destruction process.

Requests for Non-EDIS Records

USITC investigative and research program case proceedings prior to the implementation of EDIS in 1995 are located on microfiche. Upon request, the Hearings and Information division staff will retrieve the requested microfiche for the requesting party. The Hearings and Information division staff should **not** review the microfiche for requesting parties.

Publications which are not on EDIS are available on the [Official Publication Log](#)⁸, microfiche, and/or hard copy. All parties should be directed to the Official Publication Log which is located on the internet. Parties may obtain and request copies of publications on the Official Publication Log. However, parties should contact the Information Services Specialist to request publications which are not available on EDIS or the Official Publication Log.

The below listed procedures have been set forth to request microfiche and publications:

Requests for Microfiche

The Hearings and Information division staff taking the request should follow the below listed procedures for internal and external parties:

Internal Party

- Retrieve PUBLIC and/or CONFIDENTIAL microfiche. *(Note: Microfiche are located in rooms [REDACTED] (337, 701, and 731 investigations) and P-1 (332, Docket Card, Publications, etc.).*
- PUBLIC microfiche: Public microfiche are labeled ***Public Inspection or PI File*** on the top portion of the microfiche
- CONFIDENTIAL microfiche: Microfiche labeled ***Docket file*** are considered CONFIDENTIAL. Any microfiche not labeled as Public Inspection or PI File may contain CONFIDENTIAL information.
- Charge-out the microfiche (include the requestor's contact information (name, office, and phone number)) and place the microfiche under the front desk counter

⁸ Official Publication Log is located at: (b) (7)(E)

- Notify the requesting party of the availability of the microfiche and schedule appointment for pickup or review of microfiche. (*NOTE: Internal parties may remove microfiche from the Docket Services Division*)
- Notify the Dockets staff (via email or Dockets board) of scheduled appointment
- Upon the return of the requested microfiche, retrieve the charge-out, and file the microfiche

External Party

- Retrieve **PUBLIC microfiche ONLY** (*Note: Microfiche are located in rooms [REDACTED] (337, 701, and 731 investigations) and P-1 (332, Docket Card, Publications, etc.)*).
- PUBLIC microfiche: Public microfiche are labeled **Public Inspection or PI File** on the top portion of the microfiche. Any microfiche that is not labeled as **Public Inspection or PI File** may contain CONFIDENTIAL information which is not available for review by external parties.
- Charge-out the microfiche (include the requestor's contact information (name, office, and phone number)) and place the microfiche under the front desk counter
- Notify requesting party of the availability of the microfiche and schedule appointment to view the microfiche (**NOTE: EXTERNAL PARTIES MAY NOT REMOVE MICROFICHE FROM THE DOCKET SERVICES DIVISION**)
- Notify the Dockets staff (via email or Dockets board) of scheduled appointment
- Upon the return of the requested microfiche, retrieve the charge-out, and file the microfiche.

Evidentiary Chain of Custody

The Docket Services Division maintains and preserves the evidentiary chain of custody of the official investigative record. The evidentiary chain of custody is established upon the receipt of the evidence within the Docket Services Division. **All admitted and rejected evidence received as part of the official investigative record remains in the custody of the Docket Services Division until all litigation has concluded.**

Transfer of Custody

External and internal parties may transfer the evidentiary chain of custody to the Docket Services Division. Internal and external parties may request the temporary transfer of custody of admitted demonstrative (internal only) and physical evidence. External parties may request the permanent release of submitted evidence when all litigation has concluded. The party must file a written request to the Secretary to the Commission. Upon receipt of the request, the

Docket Services Division staff should provide the Records Management Specialist with an electronic copy of the request.

Requests for Submitted Exhibits

Internal Requests

Internal parties may request the temporary custody of submitted exhibits via email at (b) (7)(E) and attaching Form 63 (demonstrative and physical exhibits). (Note: Original records in paper and/or magnetic media form are not eligible for release unless not available on EDIS.)

Requests for admitted evidence must include:

- Name and contact information of requestor
- Investigation number
- Demonstrative or Physical exhibit number(s)

External Requests

External parties may request the temporary or permanent transfer of custody of physical evidence. (Note: Original records in paper and/or magnetic media form are not eligible for release.)

Physical exhibits will be returned to the submitting attorney of record or his/her designated representative when one of the following retention requirements has been satisfied:

- Finding of No Violation: Return to submitter when all litigation has concluded
- Violation with Outstanding Consent or Exclusion: Return to submitter when patent expires
- Trademark Cases: Permanent retention
- Settlement and Termination of the Investigation: Return to submitter when all litigation has concluded
- Enforcement actions: Return to submitter when all litigation has concluded

Temporary/Permanent Release of Physical Exhibits

The party must file a written request to the Secretary to the Commission and serve the request on all parties to the investigation for active investigations. A

service list is not required for the permanent return of physical exhibits that meet the required retention period.

The written request must include:

- Purpose of the temporary/permanent transfer of custody
- Requested loan timeframe, if applicable
- Name, address, phone number of point of contact to receive custody of the evidence
- Method of shipment (***Note: The agency does not bear the expense for the permanent return of physical exhibits. The requester must provide prepaid overnight invoices or courier service.***)
- The requestor may designate in writing a representative authorized to retrieve the physical exhibits on his/her behalf. This applies to requests for the permanent transfer of custody. (Note: This can be a separate letter that is hand carried by the recipient.)

Upon receipt of the request, the Records Management Specialist will:

- Review request for completeness
- Review to determine case status (i.e., [Case disposition](#), [outstanding order](#), pending appeal, etc.) (Note: Pending cases and cases with an outstanding order are not eligible for permanent release.)
- Obtain clearance from the designated Office of the General Counsel staff, Jean Jackson (*Note: An email is sent to GC inquiring whether they have any objections to the temporary/permanent release of physical exhibits.*)
- Locate physical exhibit(s) and ensure that a photograph of all physical exhibits is located on EDIS
- Prepare [transmittal letter](#) that must be signed by the Secretary (*Note: Transmittal letter required for temporary transfer of custody of physical exhibits.*)
- Prepare [approval response letter](#) that must be signed by the Secretary (*Note: Approval response letter required for the permanent transfer of custody of physical exhibits.*)
- Upon approval from the Secretary, notify the requester via email and attach a copy of the transmittal letter or approval response letter
- Prepare the requested information for transfer
- Complete [Chain of Custody Log](#)

- Complete Property Pass (Note: A copy of the property pass should be saved on the Z:/drive (b) (7)(E) [REDACTED])
- Deliver requested physical exhibits, completed Chain of Custody Log, and Property pass to Dockets for pickup by courier service (if local) or schedule overnight direct pickup from Dockets. The completed Chain of Custody Log must be scanned into EDIS.

EDIS Coding:

- **Security level:** Administrative
- **Filed by:** [Insert name of Acting Secretary or Secretary]
- **Firm/Organization:** USITC
- **On Behalf Of:** Office of the Secretary
- **Document Type:** Records Management
- **Document Title:** (i.e., Transmittal of Evidence to Jones Day)

VIII. Document Processing

8.1 Action Jackets

An action jacket is the official document used to obtain the Commission's approval for proposed agency actions. Action jackets relate to all phases of work of the Commission.

Submission requirements

During the initial phase, the staff office initiating the action jacket obtains the action jacket control number, office director's signature and staff concurrence signatures as required by the document type. There are three (3) types of action jackets: Investigative, Non-Investigative, and Rule Making.

After obtaining the required signatures, the initiating staff office packages the action jacket for circulation. The action jacket package consists of the following:

- Action Jacket Approval Record – vote sheet which records the vote of each Commissioner
- Action Jacket Comment Record
- Action Request
- Summary cover sheet
- It also may contain supporting documents. (i.e., memorandum, correspondence, etc.)
- Seven (7) copies of the entire action jacket package (one for each Commissioner; one for OSE)

Action Jacket Approval Record

Control No.

Initiating Office

<small>USITC 001 (rev. 11/10) Page 1</small> U.S. International Trade Commission Action Jacket Approval Record					
1. Control No.	OUII-11-065	2. Date to Chairman	October 17, 2011	3. Due date/code	EXPEDITE
4. Subject: Postponement of Votes on Whether a Section 337 Investigation Should Be Instituted Concerning Certain Computer Devices with Associated Instrument Sets and Software (Docket No. 2844) and Electronic Devices with Graphics Data Processing Systems, Components Thereof, and Associated Software (Docket No. 2845)					
5. Signature of initiator		6. Initiating Office			
<i>[Signature]</i>		OUII			
7. Circulation: <input checked="" type="checkbox"/> Chairman of Circulating Official		Date: 10/13/11			
8. Commissioner Action (shown by initials)					
Commissioner	Approved	Disapproved	Not Participating/Focused	Date	
Commissioner Pinkert	<i>DAP/len</i> <i>DAP/len</i>			10/17/11 10/19/11	
Commissioner Aranoff	<i>SLA/MS</i> <i>SLA/MS</i>			10/17/11 10/19/11	
Commissioner Pearson	<i>DRP/LJS</i> <i>DRP/MR</i>			10/17/11 10/19/11	
Commissioner Lane	<i>CR/L/BE</i> <i>CR/L/BE</i>			10/17/11 10/19/11	
Vice Chairman Williamson	<i>[Signature]</i>			10/17/11	
Chairman Okun	<i>DTO/ok</i>			10/19/11	
9. Nature of Commission Action <input checked="" type="checkbox"/> <i>of ok/ots</i> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Other <i>DTO/ok</i> Initials Date 10/19/11					
Comments:					

Office Director

Circulation Date

Nature of Commission Action Date

Action Jacket Comment Record

(b) (5)

Action Request

USITC 001 (rev. 11/10) Page 3					
U.S. International Trade Commission Action Request					
1. Control No.	OUII-11-065	2. Date initiated	October 17, 2011	3. Due date	EXPEDITE

The action jacket package is placed in a **red** action jacket folder and delivered to the Chairman's office for circulation. The circulation phase begins when the Chairman provides a circulation date on the Action Jacket Approval Record.

After the circulation date has been issued, the Chairman's office will make seven (7) copies of the dated Action Jacket Approval Record and Action Jacket Comment Record (2-sided copy). The Chairman's office will distribute one (1) copy of the action jacket to each Commissioner and one (1) copy to the Office of the Secretary, Hearings and Information division. Each Commissioner will record his/her action on the Action Jacket Approval Record and Action Jacket Comment Record. The annotated action jacket package is delivered to the Office of the Secretary, Hearings and Information division for processing.

Processing

Upon receipt of the action jacket during the initial phase, the Supervisory Hearings and Information Officer will maintain a copy of the action jacket pending final action by the Commissioners.

After all Commissioners have recorded their action on the Action Jacket Approval Record, the action jacket package will be delivered to the Office of the Secretary, Hearings and Information division. Upon receipt of the action jacket package, the designated Hearings and Information staff will:

- Make one (1) copy of the Action Jacket Approval Record and Action Jacket Comment Record pages and one (1) copy of all edits
- Provide the Supervisory Hearings and Information Officer with all copies
- Place the action jacket package on the table outside the Secretary's office with a note attached that the action jacket is "Ready" for pick-up
- Notify the initiating office that the action jacket package is ready for pickup

The Supervisory Hearings and Information Officer will:

- File the **voting sheet** (Action Jacket Approval Record (page 1)) on EDIS EDIS coding:
 - **Filed By:** *Name of the office director initiating the action jacket*
 - **Firm/Organization:** *USITC*
 - **On Behalf Of:** *Name of the office initiating the action jacket*
 - **Investigation Number**
 - **Security Level:** *Public*
 - **Document Type:** *Voting Sheet*
 - **Document Date:** *Nature of Commission Action date on the action jacket*
 - **Action Jacket Control Number:** *Control No. listed on the jacket*
- Prepare a ratification list working file which consists of one (1) copy of the Action Jacket Approval Record and Action Jacket Comment Record (pages 1 and 2). (Note: Ratification lists contain all action jackets which have been cleared by the Commission since a previous Commission meeting. Generally, ratification lists are sent to the Commission for review 1-2 days prior to the Commission meeting. Final ratification lists become part of the official minutes once signed by the presiding Chairman and Secretary. Working copies of ratification lists can then be burned.)
- File the entire **Action Jacket** package including edits on EDIS

EDIS coding:

- **Filed By:** *Name of the office director initiating the action jacket*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Name of the office initiating the action jacket*
- **Investigation Number**
- **Security Level:** ***Privileged***
- **Document Type:** *Action Jacket*
- **Document Date:** *Nature of Commission Action date on the action jacket*
- **Action Jacket Control Number:** *Control No. listed on the jacket*

8.2 Commission Opinion

The Commission issues opinions to provide the Commission's written opinion on an investigative matter.

PUBLIC VERSION	
UNITED STATES INTERNATIONAL TRADE COMMISSION Washington, D.C. 20436	
In the Matter of CERTAIN DIGITAL PHOTO FRAMES AND IMAGE DISPLAY DEVICES AND COMPONENTS THEREOF	Investigation No. 337-TA-807
COMMISSION OPINION	

Processing

Upon receipt of the Commission opinion, the designated Hearings and Information Division staff will insert the issue date and the Secretary or Acting Secretary electronic signature.

- Insert issue date
- Apply the Secretary's signature
- Make one (1) copy of the Commission Opinion and any attachments (i.e., Correspondence, exhibits, etc.) submitted with the Commission Opinion
- Create EDIS sheet and file in Dockets (*Note: The Commission Opinion will be filed on EDIS; however, the letter (if included) is mailed to the parties by the assigned Dockets 337 Case Manager.*) Opinions are **NOT** posted to the USITC website.
- A PDF of the Commission Opinion shall be sent via email to all recipients and include cc: ALJ **(b) (7)(E)** in the email.

EDIS coding:

- **Security level:** *Public or Confidential*
- **Filed by:** *[Insert name of Secretary or Acting Secretary]*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Office of the Secretary*
- **Document Type:** *Opinion, Commission*
- **Document Title:** *Enter brief title*

8.3 Correspondence

Correspondence can be initiated by the Office of the Secretary or any agency office to respond to inquiries or document the Commission's action regarding a particular matter. The Hearings and Information Division handles the following correspondence types:

Correspondence Relating to Investigative Matters

A party to an investigative matter may file a document requesting action by the Commission. (i.e., Motion, request for postponement or extension of time, etc.) A USITC office may prepare correspondence in response to a request regarding an investigative matter.

Standard Processing

Upon receipt of the email from (b) (7)(E), the designated Hearings and Information Division staff will:

- Confirm receipt of the required information.
- Reply via email to all recipients, "**Process pending**".
- Review email and correspondence to determine whether any special processing procedures are required. (i.e., Service required for All Counsel of Record or specified party) [Special handling](#), [Notice of Receipt of Complaint](#), [Presidential](#) or [Customs](#) package, [Rulemaking](#), [Hot notice](#), Service list, etc.)
- Check for typographical, pagination errors, etc.
- Activate hot links (i.e., <http://edis.usitc.gov>, <http://www.usitc.gov>)
- Ensure signature block includes authorized signatory:
 - Secretary or Acting Secretary to the Commission or
- Ensure all pages are numbered except first page of single-spaced documents
- Print one (1) copy
- Save the Microsoft Word 2010 version of the correspondence on the master shared drive (b) (7)(E)

(i.e., 337_700_Extension letter)

- Apply signature stamp to the signature block of correspondence.
- Create an electronic EDIS submission (Note: Correspondence relating to an Administrative Protective Order Breach, Freedom of Information Act, and Privacy Act are not filed on EDIS. Also, no further distribution or service is required by Docket Services.) (Documents that do not require Docket Services to serve the party should be electronically filed on EDIS indicating “**FOR EDIS ONLY**” in the Document Title field.)

EDIS coding:

- **Security level**
- **Filed by:** *[Insert name of Secretary or Acting Secretary]*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Office of the Secretary*
- **Document Type:** *Correspondence-USITC*
- **Document Title:** “**FOR EDIS ONLY**” *Enter a short title*

External Relations (ER) Controlled Congressional Correspondence

All Congressional correspondence must be reviewed to assure that it is not “constituent” mail. Any questions regarding this should be addressed to the Secretary.

The Congressional Liaison, Office of External Relations, coordinates all Congressional and other official correspondence. If the document does not have an ER control number on it an extra copy of the letter must be made and be provided to that office

If the letter is from either the US Senate Committee on Finance, the House Committee on Ways and Means or the US Trade Representative, determine whether it needs to be docketed as a new investigation request. If the letter is identified as a request letter initiating a new investigation, make sure to check with ER to ensure that they have received it. Normally request letters are brought down to OSE by ER for processing in EDIS. When we receive the letter from ER make sure to walk it over to the Docket Services 332 case manager. The 332 case manager will log it in and file it in EDIS.

Hearings and Information Division staff are responsible for filing certain correspondence in EDIS.

If the correspondence or request is from a Senator or Representative, the following metadata should be filled out:

- **Filed by:** Name of the Senator/Representative who signed the document *(Note: If signed by multiple members, then all of the names should be entered separately and assigned an EDIS number)*
- **Firm/Organization :** *United States Senate / U.S. House of Representatives*
- **Filed On Behalf Of :** *United States Senate/ U.S. House of Representatives*
- **Document Type: Brief – Non-Party Statements and Other Briefs** except when it is a request to appear at a hearing then the Document type is **Hearing/Conference Request to Appear/Witness List**
- **Document Title:** Written Statement or Comments or Written Testimony.
- After electronically filing the document distribute nine paper copies as followed: (1) to each Commissioner (cart), (1) to General Counsel, (1) to Investigations and (1) to Hearings & Information staff. (Note: The “original” document received from External Relations or by Mail will not be placed on EDIS.)

Correspondence from Other Government Officials:

- Same as for correspondence from Senate or Representative (Note: If there are multiple signatories on the document each signatory is assigned an EDIS number.)
- **Firm/Organization: Affiliation named in the document**
- **Filed On Behalf Of: Office affiliation. (If no office is named use affiliation name)**
(Note: State and local government officials as well as representatives of foreign governments frequently make requests to appear at hearings. In these instances the Document type is: **Hearing/Conference Request to Appear/Witness List**).
- After electronically filing the document distribute nine paper copies as followed: (1) to each Commissioner (cart), (1) to General Counsel, (1) to Investigations and (1) to Hearings & Information staff. (Note: The “original” document received from External Relations or by Mail will not be placed on EDIS.)

Routine Correspondence

Routine correspondence consists of copies of incoming and outgoing correspondence relating to routine matters. (i.e., Letters for information from the general public) Generally, the correspondence does not relate to an investigative matter. The outgoing correspondence is often prepared by the Office of the Secretary staff, signed by the Secretary, and filed on the

master shared drive (b) (7)(E)

[REDACTED]

8.4 Notices

Upon approval of an Action Jacket, a USITC office will prepare and electronically submit a notice to the Office of the Secretary for processing. A notice may include a Commission [Order](#) such as a Consent Order, General and/or Limited Exclusion Order, or Commission Opinion. Additionally, some notices may require publication in the Federal Register or other special processing requirements. Notices requiring publication in the Federal Register must be electronically transmitted by 4 pm in order to be printed within a two day period.

Submission requirements

A USITC office sends an email ((b) (7)(E)) which references the approved action jacket, any special handling/packaging requirements, and the following documents:

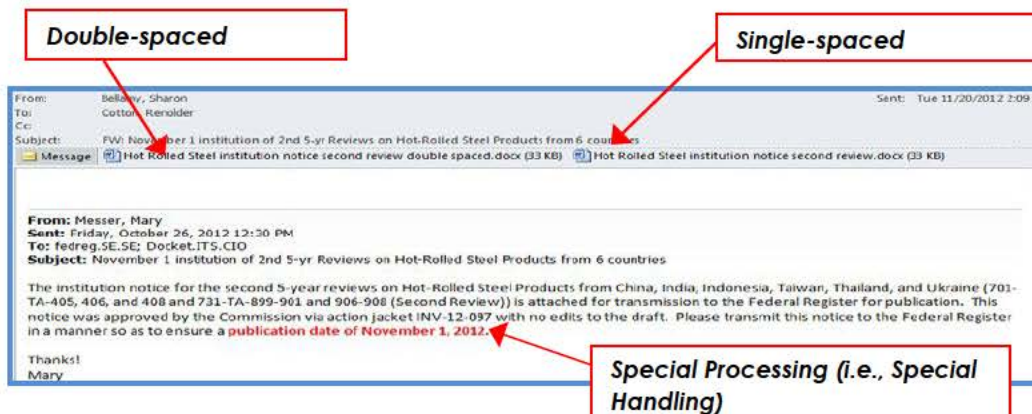
- Single-spaced notice in MS Word 2010
- Double-spaced notice in MS Word 2010 format, if publication in is required.
- Work Schedule (*Note: 337 investigations do not have a work schedule.*)

Standard Processing

Upon receipt of the email from ((b) (7)(E)), the designated Hearings and Information Division staff will:

- Confirm receipt of the required information. If the required information is not received, notify the sender to obtain required information as outlined above.
- Reply via email to all recipients, "*Process pending*".
- Review email to determine whether any special processing is required. (i.e., [Special handling](#), [Hot notice](#), etc.)

Email



Single-spaced Notice

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation Nos. 701-TA-405, 406, and 408 and 731-TA-899-901 and 906-908 (Second Review)

HOT-ROLLED STEEL PRODUCTS FROM
CHINA, INDIA, INDONESIA, TAIWAN, THAILAND, AND UKRAINE

Institution of five-year reviews concerning the countervailing duty orders on hot-rolled steel products from India, Indonesia, and Thailand and antidumping duty orders on hot-rolled steel products from China, India, Indonesia, Taiwan, Thailand, and Ukraine.

AGENCY: United States International Trade Commission.

ACTION: Notice.

Effective Date

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)) (the Act) to determine whether revocation of the countervailing duty orders on hot-rolled steel products from India, Indonesia, and Thailand and antidumping duty orders on hot-rolled steel products from China, India, Indonesia, Taiwan, Thailand, and Ukraine would be likely to lead to continuation or recurrence of material injury.

EFFECTIVE DATE: November 1, 2012.


Hot link

FOR FURTHER INFORMATION CONTACT: Mary Messer (202-205-3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server (<http://www.usitc.gov>). The public record for these reviews may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

Hot link

By order of the Commission.

Signature



Lisa R. Barton
Acting Secretary to the Commission

Insert Issued Date

Issued: October 26, 2012

- Check for typographical, pagination errors, etc.
- Activate hot links (i.e., <http://edis.usitc.gov>, <http://www.usitc.gov>)
- Check effective date (332, 701, and 731 investigations ONLY)
- Insert *Issued* date (*Date that notice was received*)
- Ensure signature block includes authorized signatory:
 - Secretary or the Acting Secretary
- Ensure all pages are numbered except first page of single-spaced documents
- Print one (1) copy of the notice and attachments, if applicable
- Apply signature stamp to the signature block of notice and order, if applicable
- Scan the single-spaced signed notice using printer (*Secretary_Room112 on itcfp1 printer*) located in the file room

- Update the [Document Properties](#) of the PDF version of the document as follows:
 - Document Property Fields
 - **Title:** Enter Caption title of investigation
 - **Author:** USITC, Name of Submitting Office, and Hearings and Information Division
 - **Subject:** Enter description of notice (i.e., Institution of Investigation, Commission Determination to Terminate Investigation, etc.)
 - **Keywords:** (i.e., Investigation caption title, investigation number, issue date)

- Save the Microsoft Word version and PDF version of notice at:

(b) (7)(E)

. (i.e., 337_700_notice12112012sgl)

- [Create EDIS cover sheet](#). Notices relating to an investigative matter ***except*** Administrative Protective Order Breach notices are filed on [EDIS](#). Hot notices must be filed on EDIS at 5:00 p.m. *(Note: Notices relating to General Fact-finding or Title VII investigations (332, 701, 731) should be e-filed on EDIS by the designated Hearings and Information Division staff.) (see [EDIS3 User Guide-Internal procedures](#))*

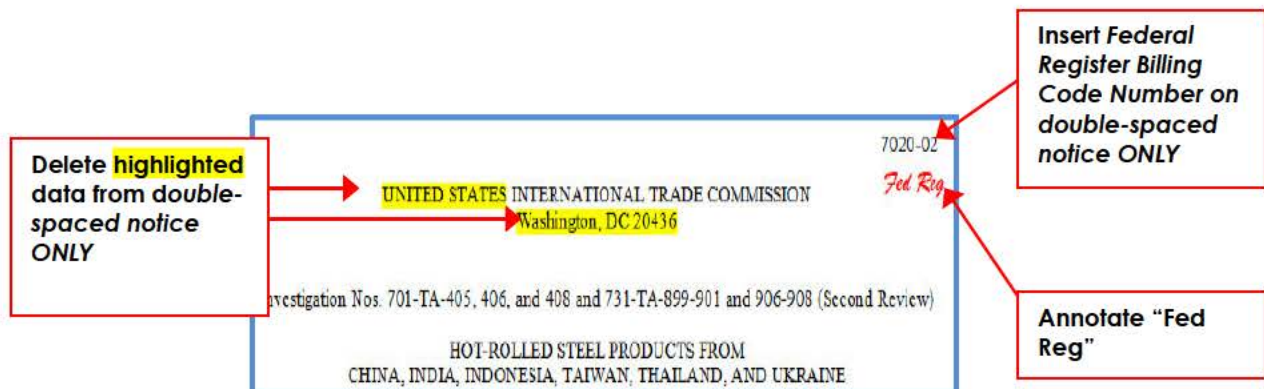
EDIS Coding:

- **Security level**
 - **Filed by:** *[Insert name of Acting Secretary or Secretary]*
 - **Firm/Organization:** *USITC*
 - **On Behalf Of:** *Office of the Secretary*
 - **Document Type:** *Notice*
 - **Document Title:** *Enter title as listed on notice (action the notice is taking; not the investigation title)(Note: Use upper and lower case when entering title)(omit "Notice of")*
- Submit for all notices, using the new Drupal procedures found [by clicking this link](#) ***except CONFIDENTIAL notices and Administrative Protective Order Breach notices***. (Note: Attachments which are included with a notice are NOT submitted to Web Posting unless specified.)
 - Submit **Hot Notices** to [Web Posting request](#), to be posted to these pages: http://www.usitc.gov/secretary/fed_reg_notices.htm and <http://www.usitc.gov/archive.htm>
 - Respond via email to all recipients and include a PDF version of the single-

spaced document

- 337 investigations: Include ALJ's Office **(b) (7)(E)** in the email.
- Title VII investigations with work schedule: Include Dockets **(b) (7)(E)** in the email and make three copies for distribution to the Supervisory Hearings and Information Officer, Program Support Specialist and Information Support Specialist
- Annotate in the body of the email, "*Process completed*"

Double-spaced Notice



A notice requiring publication in the Federal Register must be submitted in a double-spaced MS Word 2010 version. The investigation number and caption title should be as shown above; however, if the information is included in a table, reformat the information without the table. In addition to the above stated single-spaced notice procedures: (*Note: A double-spaced notice does not require a signature stamp, EDIS filing or Drupal Posting.*)

- Insert the Federal Register billing code "7020-02" in the top right corner of double-spaced notices requiring publication in Federal Register
- Annotate the top right corner of notice with "*Fed Reg*" and posting due date, if provided. (*see [Special Handling](#)*)
- Delete *UNITED STATES* and *Washington, DC 20436* from the heading of double-spaced notice
- Save the Microsoft Word 2010 double-spaced version of notice at:

(b) (7)(E)

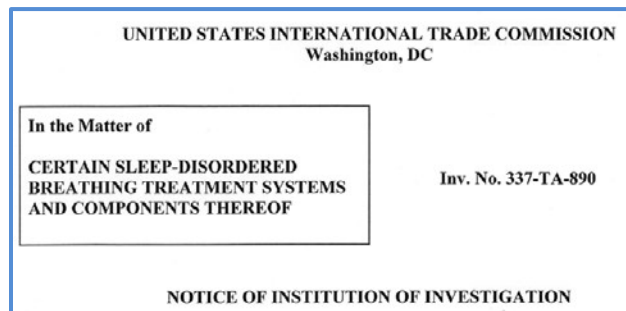
(i.e., 337_700_notice12112012dbl)

- **Email** the signatory with the pdf notice for posting to the Federal Register. The signatory will electronically transmit the notice to the Federal Register.

Hot Notice

A “Hot notice” relates to a 337 investigative matter which must be processed and posted at **5:00 p.m.** Upon receipt of the “Hot notice”, the designated Hearings and Information staff will follow the above-stated standard processing procedures. However, the notice must be posted on EDIS and the internet http://www.usitc.gov/secretary/fed_reg_notices.htm and <http://www.usitc.gov/archive.htm> at **5:00 p.m.** (see *EDIS and Web Posting procedures*) (Note: Hot notice Web Posting requests must include “HOT NOTICE” in the title of the web request.)

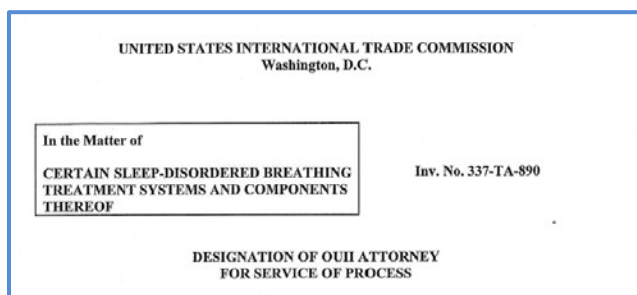
337 Notices of Institution of Investigation



Upon receipt of a “Notice of Institution of Investigation”, the designated Hearings and Information staff will follow the above-stated [standard processing](#) procedures.

The Notice of Institution of Investigation may include the following documents:

Designation for Service of Process



Generally, the Office of Unfair Import Investigations (OUII) may include a Designation for Service of Process to identify the OUII attorney assigned to the

investigation. If a Designation for Service of Process is included, prepare a separate EDIS cover sheet.

EDIS Coding:

- **Security level**
- **Filed by:** *[Insert name of Acting Secretary or Secretary]*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Office of the Secretary*
- **Document Type:** *Notice of Appearance*
- **Document Title:** *Enter title as listed on notice (action the notice is taking; not the investigation title)(Note: Use upper and lower case when entering title)*

Notice to the Parties – Designation of Administrative Law Judge

The Chief Administrative Law Judge provides the Hearings and Information Division with the Notice to the Parties which identifies the assigned Administrative Law Judge to the investigation. The Hearings and Information staff will prepare a separate EDIS cover sheet and file the document in Dockets.

The image shows a document titled "NOTICE TO THE PARTIES" from the United States International Trade Commission. The document is dated August 19, 2013, and is signed by Charles E. Bullock, Chief Administrative Law Judge. The subject of the notice is "CERTAIN SLEEP-DISORDERED BREATHING TREATMENT SYSTEMS AND COMPONENTS THEREOF" under investigation number 337-TA-890. The notice states that the investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, has been assigned to Administrative Law Judge Thomas B. Pender. The document is signed by Charles E. Bullock, Chief Administrative Law Judge.

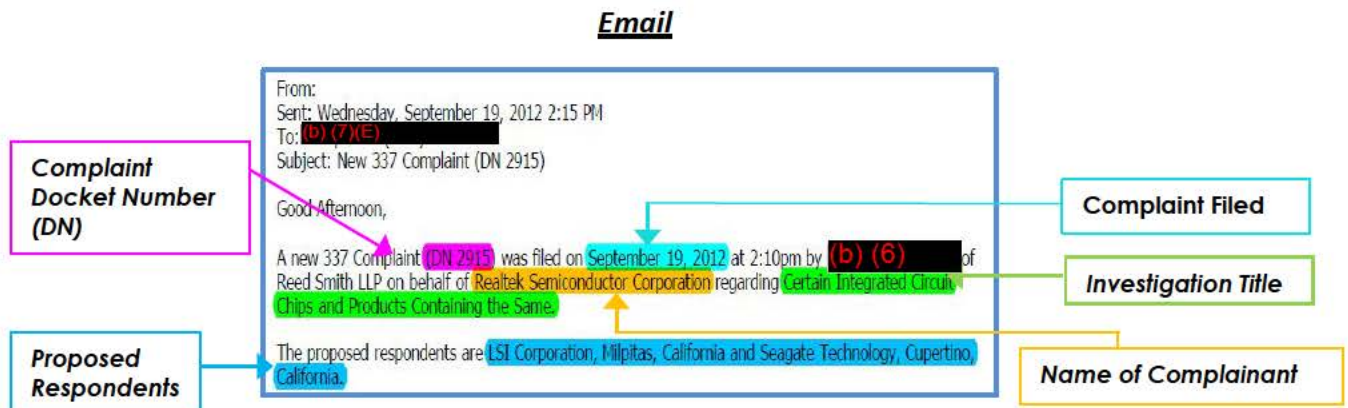
EDIS Coding:

- **Security level**
- **Filed by:** *[Insert name of Chief Administrative Law Judge]*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Chief Administrative Law Judge*
- **Document Type:** *Notice*
- **Document Title:** *Assignment of Administrative Law Judge [Enter name of assigned ALJ] (Note: Use upper and lower case when entering title)*

Notice of Receipt of Complaint

DO NOT COMPLETE PROCESSING (TO EDIS OR WEBPOSTING) THE NOTICES UNTIL THE SECRETARY OR ACTING SECRETARY REVIEWS THE NOTICE.

When a new complaint (pre-institution) is filed, Dockets sends an email identifying the below listed information. *(Note: This process is required when the initial complaint (Violation phase) is filed. Subsequent phases do **not** require this type of notice. (i.e., Enforcement, Remand, etc.)*



Upon receipt of the email from Dockets, the designated Hearings and Information division staff prepares a Notice Relating to Notice Receipt of Complaint; Solicitation of Comments Relating to the Public Interest in single and double-spaced versions. **ALL NOTICES MUST BE PROCESSED UPON RECEIPT.**

The notice templates are located at: (b) (7)(E)

When processing the Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest, retrieve complaint from Dockets and follow the below listed procedures.

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Sample Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

The image shows a sample notice from the International Trade Commission. The notice is titled "NOTICE OF RECEIPT OF COMPLAINT; SOLICITATION OF COMMENTS RELATING TO THE PUBLIC INTEREST". It is dated September 19, 2012. The notice is addressed to the U.S. International Trade Commission, Washington, DC 20436. The notice is regarding a complaint filed by Intel Corporation on September 19, 2012, regarding certain integrated circuit chips and products containing the same. The notice is soliciting comments on any public interest issues raised by the complaint or complainant's filing under section 210.8(b) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.8(b)).

Callout boxes identify the following information:

- Complaint Title:** Certain Integrated Circuit Chips and Products Containing the Same, DN 2913
- Complaint Filed Date:** September 19, 2012
- Proposed Respondents and location:** Intel Corporation of Milpitas, CA and Seagate Technology of Cupertino, CA
- Name of Complainant:** Intel Corporation
- Complaint Docket Number (DN):** DN 2913

Standard Processing

Upon receipt of the email from the Dockets staff, the designated Hearings and Information Division staff will:


- Acknowledge receipt of notification of a new complaint
- Reply via email to all recipients, "Process pending".

Single-spaced Notice

- Insert the following information:
 - Complaint Title
 - Complaint Docket Number (DN)
 - Name of Complainant
 - Complaint Filed Date
 - Proposed Respondents and location (city and state or country)
 - Requested remedy(ies) (Note: Any staff preparing the public interest notice must include a sentence in the supplementary information section of the notice, after respondent information, regarding complainant's requested remedy. The remedy information should be specified in the complaint. (For example: *The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.*) The new sentence language can be found in the public interest notice template at: Z:/Records/Administration/Office of the

(b) (7)(E) . **DO NOT COMPLETE PROCESSING (TO EDIS OR DRUPAL) THE NOTICE UNTIL THE SECRETARY OR ACTING SECRETARY REVIEWS.**

- Signature block of Secretary or Acting Secretary
- **Issued** date (*Date notice was processed*)

- Ensure all pages are numbered except first page of single-spaced documents
- Print one (1) copy of the notice and attachments, if applicable
- Apply signature stamp to the signature block of notice and order, if applicable
- PDF the document
- Update the [Document Properties](#) of the PDF version of the document as follows:
 - Document Property Fields
 - **Title:** Enter Caption title of investigation
 - **Author:** USITC, Hearings and Information Division
 - **Subject:** Enter description of notice (i.e., Receipt of Complaint; Solicitation of Comments Relating to the Public Interest)
 - **Keywords:** (i.e., Complaint, DN number, Public Interest, Comments, Issue date: mm/dd/yyyy)
- Save the Microsoft Word 2010 version and PDF version of notice at:

as
###_###_noticepublicinterestMMDDYYYYsgl. (i.e., 2957_notice12112012sgl)
- [Create EDIS cover sheet](#). Notices relating to an investigative matter **except** Administrative Protective Order Breach notices are filed on [EDIS](#). Hot notices must be filed on EDIS at 5:00 p.m. (See [EDIS3 User Guide- Internal procedures](#))

EDIS Coding:

- **Security level**
 - **Filed by:** *[Insert name of Acting Secretary or Secretary]*
 - **Firm/Organization:** *USITC*
 - **On Behalf Of:** *Office of the Secretary*
 - **Document Type:** *Notice*
 - **Document Title:** *Enter title as listed on notice(action the notice is taking; not the investigation title)(Note: Use upper and lower case when entering title)(omit "Notice of")*
- Submit posting via [Drupal](#) for all notices, ***except CONFIDENTIAL notices and Administrative Protective Order Breach notices.*** (Note: Attachments which are included with a notice are NOT submitted to Web Posting unless specified.)
 - Respond via email to all recipients and include a PDF version of the single-spaced document
 - 337 investigations: Include (b) (7)(E) [and](#) ALJ's Office ((b) (7)(E)) in the email.
 - Annotate in the body of the email, "***Process completed***"

Double-spaced Notice

(Note: A double-spaced notice does not require a signature stamp, EDIS filing or Drupal Posting.)

- Insert the Federal Register billing code "**7020-02**" in the top right corner of double-spaced notices requiring publication in Federal Register
- Delete ***UNITED STATES*** and ***Washington, DC 20436*** from the **heading** of double-spaced notice
- Save the Microsoft Word 2010 double-spaced version of notice at:
(b) (7)(E)
(b) (7)(E)
(b) (7)(E). (i.e., 1234_notice12112012dbl)

- Email the signatory with the pdf notice for posting to the Federal Register. The signatory will electronically transmit the notice to the Federal Register.

332 Notices

UNITED STATES INTERNATIONAL TRADE COMMISSION
 Washington, DC

 Investigation No. 332-288

 Ethyl Alcohol for Fuel Use:
 Determination of the Base Quantity of Imports

A 332 notice relates to an industry and Economic analysis investigative matter. Upon receipt of the 332 notice, the designated Hearings and Information staff will follow the standard processing procedures. A [Drupal](#) posting must be submitted for all 332 **public** notices to be posted at: https://usitc.gov/secretary/fed_reg_notices.htm and <http://usitc.gov/archive/>.

Title VII (701/731) Notices

Sample (1) 701/731 Determination Notice

UNITED STATES INTERNATIONAL TRADE COMMISSION
 Washington, DC 20436

 Investigation Nos. 701-TA-482-484 and 731-TA-1191-1194 (Final)

 CIRCULAR WELDED CARBON-QUALITY STEEL PIPE FROM
 INDIA, OMAN, THE UNITED ARAB EMIRATES, AND VIETNAM

DETERMINATIONS

 On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 705(b) and 735(b) of the Tariff Act of

Sample (2) 701/731 Notice

UNITED STATES INTERNATIONAL TRADE COMMISSION
 Investigation Nos. 701-TA-488 and 731-TA-1199-1200 (Final)
 LARGE RESIDENTIAL WASHERS FROM KOREA AND MEXICO

 Revised schedule for the subject investigations.
AGENCY: United States International Trade Commission.
ACTION: Notice.
EFFECTIVE DATE: December 31, 2012

Title VII (701/731) notices, **excluding** five-year sunset review matters, will be processed following the standard processing procedures. However, if the notice includes a work schedule, make three paper copies of the signed notice and

attachments for the Hearings and Information Officer, Program Support Specialist and Information Services Specialist. A [Drupal](#) posting must be submitted for all 701/731 **public** notices to be posted at: https://usitc.gov/secretary/fed_reg_notices.htm and <https://usitc.gov/archive.htm>.

Five-Year “Sunset” Review Notices

The diagram shows a sample notice from the United States International Trade Commission. Two red boxes with arrows point to specific parts of the notice: 'Five-Year Review' points to the title 'FOLDING METAL TABLES AND CHAIRS FROM CHINA', and 'Effective Date' points to the 'EFFECTIVE DATE' field.

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

Investigation No. 731-TA-932 (Review)

FOLDING METAL TABLES AND CHAIRS FROM CHINA

Termination of five-year review.

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The subject five-year review was initiated in October 2012 to determine whether revocation of the antidumping duty order on folding metal tables and chairs from China would be likely to lead to continuation or recurrence of material injury. On November 29, 2012, the Department of Commerce published notice that it was revoking the order effective October 21, 2012, “(b) because the domestic interested parties did not participate in this sunset review. . .” (77 FR 71168, November 29, 2012). Accordingly, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)), the subject review is terminated.

EFFECTIVE DATE: DATE OF COMMISSION ACTION JACKET APPROVAL.

The Commission may issue a notice to conduct a five-year “Sunset” Review of an investigative matter pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. § 1675(c)(5)). Upon receipt of the five-year “Sunset” review notice, the designated Hearings and Information staff will follow the standard processing procedures. **However, some five-year “Sunset” review notices requiring publishing in the Federal Register may NOT include a specified EFFECTIVE DATE. The EFFECTIVE DATE will be updated by the external Federal Register staff.** A [Drupal](#) posting must be submitted for all five-year “Sunset” review **public** notices to be posted at: http://www.usitc.gov/secretary/fed_reg_notices/sunset/ and <http://usitc.gov/archive/>.

Rulemaking Notices

Generally, a rulemaking notice authorizes the Commission to adopt reasonable procedures, rules, and regulations as it deems necessary to carry out its functions and duties. The Office of General Counsel electronically transmits a rule making notice for processing. The designated Hearings and Information staff will follow the standard processing procedures. However, proposed rulemaking notices should **NOT** be submitted to Web Posting until the notice has been published in the Federal Register.

Sunshine Act Notices

Sunshine Act notices are used to provide notification of meetings regarding formal actions of the Commission which are open for public observation. The Supervisory Hearings and Information Officer or Program Support Specialist updates the [Sunshine Notice Log](#) (Z:\\Records\\Administration\\Office of the Secretary\\Hearings and Information\\Federal Register\\Sunshine Act) and prepares two versions of the Sunshine Act notice. One copy will be prepared for submission to the Federal Register and will include the Federal Register billing code. The second copy will be posted to [Drupal](#) for posting on the internet at: https://usitc.gov/secretary/fed_reg_notices/meetings/sunshine-notices-new

A Sunshine Act notice consists of the following information:

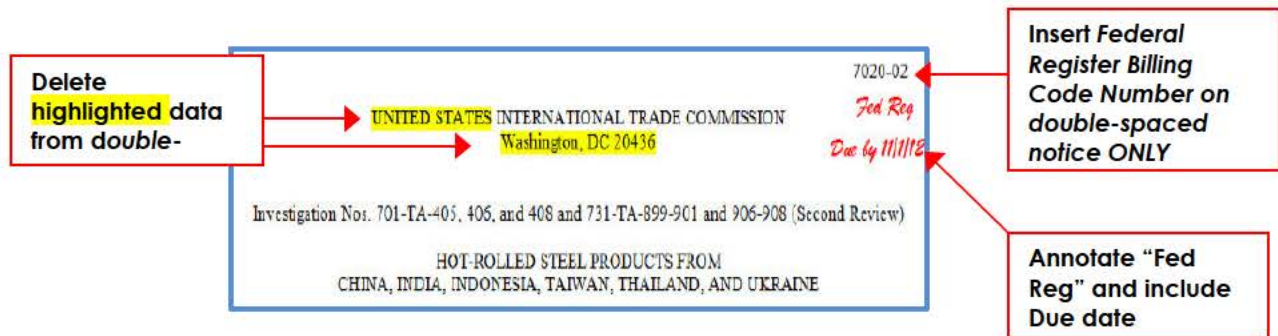


A copy of the Sunshine Act notice should be saved as follows:

- Sunshine Act notice *without* billing code:
 - Save Microsoft Word 2010 and PDF versions in:
(b) (7)(E)
 - Save as: **SunshineNoticemmdd_yyyy**
(i.e., SunshineNotice1127_2012)

Special Handling

Special handling is required when the submitter provides a specified date that a notice must be published in the Federal Register or when a notice of correction is required. The designated Hearings and Information staff will follow the standard processing procedures and annotate the requested due date in their email.



The Secretary or Acting Secretary will prepare a cover letter which will be transmitted with the notice for the Federal Register. A copy of the cover letter will be saved at:

(b) (7)(E)

(i.e., Special H_337-602)

Notices for OMB Review

The Office of Investigations will request issuance of a notice of OMB Review. These notices should be handled similarly to all other notices, i.e., single- and double-spaced versions. These notices do **NOT** get posted to EDIS.

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8.5 Orders

The Commission issues the following orders to provide the Commission's action relating to an investigative matter:

- Cease and Desist Order (see [Special Processing](#))
- Consent Order
- Commission Order
- General/Limited Exclusion Orders (see [Special Processing](#))
- Seizure and Forfeiture Orders (see [Special Processing](#))

An order may accompany a notice and letter(s) requiring service. The Docket Services Division will provide service for the notice; however, the designated Hearings and Information Division staff will provide service for the letters and customs package. **All of the documents will be posted on EDIS, unless stated otherwise; however, web posting is not required for an order or letters.**

Processing

Upon receipt of the order, the designated Hearings and Information Division staff will:

- Insert the issue date on the order, notice, and letter(s) (if applicable)
- If a notice accompanies the order, follow the [notice standard processing procedures](#)
- Print documents and apply Secretary's signature stamp
- Save the order and/or notice in the Federal Register folder located at **(b) (7)(E)** . (i.e., 337_605_Order04112013)
- Prepare the document(s) for [EDIS](#) filing. (Note: The notice, orders and opinion should have separate EDIS sheets; if the notice is public and the opinion is public/confidential a **separate** EDIS sheet is required. A **separate** EDIS sheet is required for all **Commission Orders**. If there are multiple **cease and desist orders** issued at the same time (as a package), only one EDIS sheet is required. If a Commissioner is issuing a dissenting opinion the opinion should be placed behind the **Commission Opinion**. The document title should be coded as Commission Opinion with Commissioner XX Separate Views. All dissenting opinions are confidential.)

Code the [EDIS cover sheet](#) as follows:

- **Filed By:** *[Insert name of Secretary or Acting Secretary]*
 - **Firm Organization:** *USITC*
 - **Filed On Behalf Of:** *Office of the Secretary*
 - **Investigation Number**
 - **Security Level:** *Confidential or Public*
 - **Document Type:** *Order, Commission*
 - **Document Title:** *Enter Order Type*
 - **Document Date**
- File the documents in Dockets
 - If applicable, prepare **NOTICE ONLY** for Drupal posting
 - If applicable, the Information Assistant will prepare a Customs package. (see [Customs Package Procedures](#))
 - If applicable, the Program Support Specialist will prepare a Presidential package. (see [Presidential Package Procedures](#))

Special Processing

The Chairman or the Office of the General Counsel may electronically transmit correspondence relating to an investigative matter that requires issuance of a customs or presidential package. The designated Hearings and Information Division staff provide service for the customs package; however, the Office of General Counsel provides service for the presidential package.

Customs Package

A Customs package may be required when the Commission issues a:

- Cease and Desist Order
- General/Limited Exclusion Order
- Seizure and Forfeiture Order

When required, the Information Assistant will prepare a customs package that may consist of the following:

- Correspondence letter
- Cease and Desist Order
- General/Limited Exclusion Order
- Seizure and Forfeiture Order

The customs package is usually sent to the following parties:

- Secretary of the Treasury

- Chief, IPR & Restricted Merchandise Branch, Office of International Trade Regulations and Rulings (CBP)
- Port Director (CBP), if applicable
- Complainant
- Respondents

A copy of the complete customs package is electronically filed on EDIS.

EDIS coding:

- **Security level**
- **Filed by:** *[Insert name of Secretary or Acting Secretary]*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Office of the Secretary*
- **Document Type:** *Correspondence-USITC*
- **Document Title:** **“FOR EDIS ONLY”** *Enter brief title (i.e., Letter to Chief Steuart Regarding Limited Exclusion Order)*

Presidential Package

The Office of the General Counsel prepares and mails the official presidential package. The Program Support Specialist files the presidential package on EDIS.

Generally, the Office of the General Counsel electronically provides the Hearings and Information Division with the following documents:

- Correspondence to the following:
 - President of the United States
 - United States Trade Representative (USTR)
 - Secretary of the Treasury
 - Chief, IPR & Restricted Merchandise Branch, Office of International Trade Regulation and Rulings (CBP)
- ALJ Initial Determination(s) and/or Order(s)
- Commission Notice(s)
- General/Limited Exclusion Order(s)
- Cease and Desist Order(s)
- Seizure and Forfeiture Order(s)

The presidential package may consist of documents that were sent to the President. Upon receipt of the presidential package, the Program Support Specialist will:

- Sort the documents by security level
 - Confidential
 - Public (Note: Annotate on the bottom of the document that the “*Confidential has been removed*”)
- File on EDIS (Note: **Two** (2) EDIS sheets should be created to file **all public documents and all confidential documents**) (Indicate for EDIS ONLY on the EDIS cover sheet)

EDIS coding:

- **Security level**
- **Filed by:** *Chairman*
- **Firm/Organization:** *USITC*
- **On Behalf Of:** *Office of the Chairman*
- **Document Type:** *Correspondence-USITC*
- **Document Title:** *Enter brief title (i.e., Letters from Designated Chairman to the President of the United States, Name, United States Trade Representative, Name, Secretary of the Treasury Transmitting General Exclusion Order)*

Seizure and Forfeiture Orders (SFO)

The Secretary will receive notification from Custom and Border Protection (CBP) of seizure of product in accordance with the remedial orders issued by the Commission. Upon receipt, the Secretary forwards the CBP notification to the Office of General Counsel (GC). GC will prepare a Seizure and Forfeiture Order (SFO) in accordance with the CBP notification. GC will then send to the Office of the Secretary the Letter to Treasury and the SFO to be issued.

- Change date on Letter to Treasury to date of processing and insert Secretary’s signature.
- Insert Secretary’s signature on Seizure and Forfeiture Order and add “Issued Date.”
- File two (2) filing on EDIS: (1) Letter to Treasury (with SFO attached); (2) SFO individually.
- Letter to Treasury (with SFO attached)
 - **Security Level:** PUBLIC
 - **Filed By:** Lisa R. Barton (or current/acting Secretary)
 - **Firm/Organization:** USITC
 - **On Behalf Of:** Office of the Secretary
 - **Document Type:** Correspondence-USITC
 - **Document Title:** Letter to Secretary [**Name of Secretary**] Issuing Seizure and Forfeiture Order

Security: Public		Status: Validated
Document Information		
Document Number	758652	
Document Title	Letter to Secretary Yellen Issuing Seizure and Forfeiture Order	
Document Type	Correspondence - USITC	
Control Numbers		
Document Date	12/15/2021	
Official Receive Date	12/15/2021 03:30 PM	
Party Served	N	
Investigation Information		
Investigation Number	337-739	Investigation Number: 337-739
Phase	Violation	
Investigation Type	Sec 337	
Submitter Information		
Filed By	Lisa R. Barton	
Firm / Organization	USITC	
Filed On Behalf Of	Office of the Secretary	
Submitted By	(b) (7)(E)	

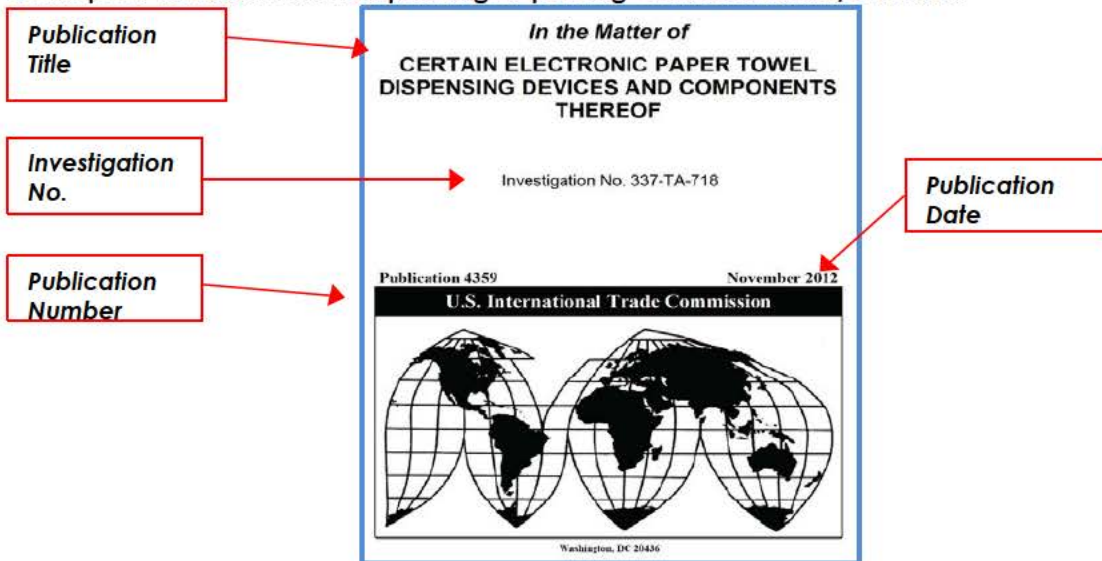
- Seizure and Forfeiture Order

- Security Level: PUBLIC
- Filed By: Lisa R. Barton (or current/acting Secretary)
- Firm/Organization: USITC
- On Behalf Of: Office of the Secretary
- Document Type: Order, Commission
- Document Title: Seizure and Forfeiture Order for [Name of Company]

Security: Public		Status: Validated
Document Information		
Document Number	758653	
Document Title	Seizure and Forfeiture Order for Lennex Industries Inc.	
Document Type	Order, Commission	
Control Numbers		
Document Date	12/15/2021	
Official Receive Date	12/15/2021 03:33 PM	
Party Served	N	
Investigation Information		
Investigation Number	337-739	Investigation Number: 337-739
Phase	Violation	
Investigation Type	Sec 337	
Submitter Information		
Filed By	Lisa R. Barton	
Firm / Organization	USITC	
Filed On Behalf Of	Office of the Secretary	
Submitted By	(b) (7)(E)	

8.6 Publications

The Office of the Secretary is the central point of contact for the official publication records. The Hearings and Information Division is responsible for issuing a unique publication number which is permanently assigned to the publication, processing publication requests and maintaining the official publication record throughout its life cycle. All publications requests (including publication reprint requests) must be submitted to the Hearings and Information Division for processing which must occur prior to submission for printing or posting on the intranet/internet.



Request for Publication Number Process

The originating office will create a publication applying the established guidelines for creating accessible documents (See [Microsoft Office Word 2010](#), [WordPerfect X5](#), and [Adobe Portable Document Format \(PDF\)](#)).

The originating office must request a publication number via **(b) (7)(E)** or by contacting the Hearings and Information Division at (202)205-2595.

The request must include the following information:

- Investigation No.
- Publication Title

Upon receipt of the request for a publication number, the designated Hearings and Information Division staff will:

- Will provide the requestor with the assigned publication number, update the publications log, and print a paper copy for the backup publications log. (Note: Backup publications log is located by the Program Support Specialist's desk)
- The Program Support Specialist will update the [Official Publications Log Maintenance System](#)

- Document Type: ***Determined by Publication type***
- Category: ***Determined by Publication type***
- Publication Number: ***See Publication cover***
- Publication Title: ***See Publication cover***

Publication Printing Process

The originating office will:

- Complete the [Document Properties](#) section of the document.
- Perform an accessibility check on the publication PDF attachment by generating an accessibility report.
- Prepare Printing Work Request form (USITC-120).
 - The originating office completes all applicable items on pages 1-2 of the Printing Work Request (USITC-120).
 - The originating office will ensure that the Office Director has approved (through electronic signature – we do not yet have an electronic signature policy, and some staffers do not yet have the ability to sign electronically) the requested number of copies to be printed.

All accessibility issues should be resolved prior to transmitting the publication package to the Hearings and Information Division for processing. If the accessibility issue(s) cannot be resolved, the originating office shall contact the OCIO Accessibility Team to request an accessibility waiver. After resolving any accessibility issues, the originating office must electronically transmit the publication package to:

(b) (7)(E) . Failure to provide a complete publication package may delay processing of the publication.

The publication package consists of the following:

- Publication (PDF attachment)
- Accessibility report

Completed Printing Work Request form (USITC-120)._____

Standard Processing

Upon receipt of the publication request, the Information Services Specialist will:

- Provide process status via (b) (7)(E) (i.e., Process pending, process completed)
- Review and confirm receipt of the required documentation. If the required documentation is not received, the designated Hearings and Information Division staff will contact the originating office to obtain the required documentation:
 - Publication (PDF attachment)
 - Printing Work Request form (USITC-120)
- Review all documentation for compliance:
 - Generate an accessibility report (Note: If errors are identified, the Information Services Specialist will contact the originating office to resolve the accessibility issues. All accessibility issues should be resolved by the originating office before the publication can be processed by the Hearings and Information Division.)
 - Ensure publication number has been assigned.
 - Ensure the originating office has properly completed applicable items on pages 1-2 of the Printing Work Request form (USITC-120). In addition, OINV staff now provides a URL link of the investigation related to the publication for posting to their webpage. OSE will provide the URL on the Printing Work Request for (additional information) for CIO to post directly to the OINV webpage. OSE will forward the email confirmation of posting to the OINV investigator confirming posting.
- Items on page 3 of the Printing Work Request form (USITC-120) requires the Office of the Secretary's completion.
- Electronically transmit the following:

(Note: See Special Processing procedures if the publication relates to a 131, 332 or investigative matter, or Operation of the Trade Agreements Program.)

 - Completed Printing Work Request form (USITC-120 and publication attachment(s) via the [Customer Service Request form](#).
 - PDF Publication attachment and accessibility report via [Web Posting Request form](#).
 - E-file publications on EDIS relating to the final report of an investigative matter (i.e., 103, 303, 332, 337, 421, 701, 731, 1921, 2104) OTAP publications are not filed on EDIS.

The Customer Service Team (Printing branch) will notify internal staff to retrieve their requested copies of the publication.

- Place a copy of the completed print request and publication on the Z:/ drive

(b) (7)(E)

Distribution

The following standard distribution applies for each type of publication go to (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

This listing may change periodically.

**Note: The internal distribution for publications relating to a 332 investigation will receive Compact Discs (CDs), unless otherwise specified. All non-332 investigation types of publications will receive paper copies.*

Special Processing

Publications relating to a 131, 332 investigations or Operation of the Trade Agreements Program matter require external clearance prior to releasing to internal/external parties. Generally, the clearance process may take up to approximately 30 days. The Office of External Relations will notify the Office of the Secretary when the proper clearance has been obtained and the publication is eligible for distribution and internet/intranet posting. (Note: Any questions regarding the clearance of a publication should be directed to the Public Affairs Officer, Office of External Relations.)

Upon receipt of a publication request requiring clearance, the Information Services Specialist will:

- Follow the above outlined standard processing procedures; however, the publication is **NOT** sent to web posting, EDIS, or distributed until the proper clearance has been obtained

Upon receipt of the "OK to Release Publication" notification from the Office of External Relations, the originating office must forward the most recent version of the publication to the Office of the Secretary via email (b) (7)(E) for distribution.

Publication Availability

Publications are available on electronic and microfiche media in the following locations:

- [Internet](#)
- [EDIS](#)

Microfiche: Located in the Hearings and Information Division, next to the Secretary's office. The Information Services Specialist staff has the keys to the file room. (The Title VII case manager in Docket Services has a spare key.) Any publication number that is **below 2474** can be obtained from our publications database

http://pubapps.usitc.gov/applications/publogs/qry_publication_loglist.asp

If not available microfiche can be used and printed out as an alternative.

The USITC no longer distributes paper copies of USITC publications because they are published and available on the <https://usitc.gov/> public website for print on demand or anyone who wishes to

review the electronic publication in paper format.

Members of the public who wish to receive a paper copy of a USITC publication must provide an explanation of the need in writing at itcpubrequest@usitc.gov. The following response is sent to all publication requests via the USITC website:

Dear Sir/Madam:

Thank you for your inquiry concerning USITC publications. You may obtain USITC publications on our usitc.gov website:

http://pubapps.usitc.gov/applications/publogs/qry_publication_loglist.asp.

The USITC no longer provides paper copies of publications and reports except in special circumstances, and such requests should be made in writing detailing the special circumstances necessitating a paper copy.

We look forward to assisting with your future publication needs.

Thank you for your interest in our agency.

Web Based Publications

These reports will only be available on the agency's web page and will have a publication number assigned. No paper copies will be made available except in instances where good cause can be shown, i.e., requester has no accessibility to a computer. The information will be provided without the interactive features.

Upon contact from the originating office (**for example: U.S. Trade Shifts, 2014, 332-345, publication 4536, which was the first one**) that a web based report will be released the CIO team will be given the link directly from investigative staff for posting to the offices web page and the OSE staff will be included on the e-mail from External Relations using our e-mail group **(b) (7)(E)** of public release of the report then the Information Services Specialist in OSE will check the publications database to make sure the report has been linked for viewing by the web team.

8.7 Service Lists

Service lists during the pre-institution phase of section 337 investigations are initially created and maintained by the Information Assistant. However, when the 337 investigation is instituted, the Docket Services Case Managers maintain the service lists for Commission issued documents except ALJ pleadings.

Creating Service Lists

Service lists should be created in the time period between filing and institution of an investigation. The complaint contains all the required information for the service list. Once list is created print 6 copies and distribute them, public service lists are printed on blue paper. The service list is stored at

(b) (7)(E)

Note: The document title should be in all caps and in bold font.

Public Service Lists

The public service list can be created as soon as a complaint is filed. The public service list should include:

- Full Investigation Title
- Investigation Number
- Document Title
- OUII Attorney (if participating the name of the OUII attorney, if not, then addressed to the Office of Unfair Import Investigations)
- Complainant(s)' and Respondent(s)' (or their representative counsels') names and addresses
- Other information to be included:
 - Embassy and government agencies to be served
 - Embassies to be served are based on the address of the proposed respondents
 - A Notice of Investigation is served to the Embassy of the proposed respondent. (see [Foreign Consular Offices](#))
 - The embassies and government agencies are served when the investigation is instituted after this point they should be removed from the public service list
- For 337 investigations the government agencies are:
 - Chief
Foreign Commerce Section, Antitrust Division
U.S. Department of Justice 450 5th Street NW,
Room 11000 Washington, DC 20530
 - U.S. Bureau of Customs and Border Protection Intellectual Property

Rights Branch
Mint Annex Building
799 9th Street, NW, 7th floor Washington, DC
20229-1177

- Deputy Director
International Antitrust, Office of International Affairs Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580
- Office of Technology Development Services Department of
Health & Human Services National Institutes of Health
6610 Rockledge Drive, Room 2800, MSC 6606
Bethesda, MD 20892

The public service list is now ready to be attached to a document for the Commission files. When a document gets filed that needs to be served on the parties (**Note: The document is forwarded to the appropriate Docket Services case manager who handles the service delivery of the document.**), insert the full document title in the verbiage preceding the list of addresses.

Confidential Service Lists

Public and confidential service lists may be created for the same investigation. In Section 337 investigations, an attorney desiring access to documents containing confidential or business proprietary information must file an acknowledgement to comply with the ALJ's protective order in a particular investigation. If the attorney has submitted this acknowledgement (along with a notice of appearance if the party is represented by counsel) for the investigation then they may be served confidential documents.

The attorney **can only be added** to the list by filing both an entry of appearance and subscription to the protective order. Each law firm must designate an attorney for service under 19 CFR [210.7\(b\)](#)

Confidential service lists include similar information as public service lists:

- Full Investigation Title
- Investigation Number
- Document Title
- OUII Attorney
- Complainant(s)' and Respondent(s)' (or their representative counsels') names and addresses

Make sure to check for both of these documents before adding them to the confidential list:

- An entry of appearance for a firm covers all the individuals in the firm so only need to check that the firm has filed an entry of appearance
- Each individual though must file an APO application

8.8 Transcripts

The USITC requires court reporting of all 337 hearings and Commission hearings and meetings. The agency maintains a contract with a transcription company for all transcribing needs. This company is retained via our procurement process in awarding contracts for services rendered. Please see the OSE COR for further information regarding the court reporting award and contracting process.

Court Reporter

A request for a court reporter must be sent to the company with time, date and location indicated. At the hearing the Court reporter should be given a copy all documents submitted during the hearing and a copy of the seating chart created by the staff assistant.

Processing

The transcription company delivers all transcripts to the Office of the Secretary. Generally, the Program Support Specialist receives and processes the transcripts; however, transcripts must be processed upon receipt by the Hearings and Information staff.

Immediately upon reception of transcripts, Hearings and Information Division staff must note the time and date on the package. Check the very last page to be sure that Certification of Transcription is attached. All transmittal receipts for transcripts must be given to the Program Support Specialist.

- Certification of Transcription **MUST** be signed by the:
 - Contractor
 - Court Reporter
 - Proofreader

If all signatures are not included immediately contact the court reporting service.

Please make sure that the transcript disks are labeled with the appropriate date and investigation number.

- If they are not labeled correctly:
 - Call the court reporting service and request a label for the transcript in question

Transcripts must be sorted by investigation number, security level, software version (MSWord, ASCII) and the following types:

- 337 Transcripts
- 337 Telephone Conferences
- Title VII Transcripts
- 332 Transcripts
- Roundtables

Transcripts which are marked as **ORIGINAL** should be set aside for EDIS processing.

UNITED STATES INTERNATIONAL TRADE COMMISSION ORIGINAL

In the Matter of:) Investigation No.
 CERTAIN PREPREG, LAMINATES,) 337-TA-659B
 AND FINISHED CIRCUIT BOARDS)

Pages: 3 through 44
 Place: Washington, D.C.
 Date: November 26, 2012

HERITAGE REPORTING CORPORATION
 Official Reporters
 1220 L Street, N.W., Suite 600
 Washington, D.C. 20005
 (202) 628-4888
 contract@hrcourtreporters.com NOV 27 2012

Hearing Room C

United States
 International Trade Commission
 500 E Street, Southwest
 Washington, D.C.

Monday, November 26, 2012

TUTORIAL

The parties met, pursuant to the notice of the
 Judge, at 1:00 p.m.

BEFORE: THE HONORABLE CHARLES E. BULLOCK

When coding transcripts in EDIS, follow below:

337 Transcripts

Filed By: *Judge's name, for example, Charles E. Bullock*

Firm Organization: *USITC*

Filed On Behalf Of: *Administrative Law Judge*

Investigation Number: *337-1000*

Security: *Limited (for public transcripts), Confidential (for in camera transcripts)*

Document Type: *Transcript*

Document Title: *Proceeding type and page numbers (i.e., Hearing, telephone conference, prehearing conference, etc. (Pages XXX-XXX)) (Note: Transcripts that contains an open and closed session use the following format: Hearing (Pages X-XX) (with excerpts))*

Document Date: *Date of proceedings*

Title VII Transcripts

Filed By: *Lisa R. Barton*

Firm Organization: *USITC*

Filed On Behalf Of: *Office of the Secretary*

Investigation Number: *701-470*

Security: *Limited (for public transcripts), Confidential (for in camera transcripts)*

Document Type: *Transcript*

Document Title: *Commission Hearing or Meeting (Pages XXX-XXX)*

Document Date: *Date of proceedings*

(NOTE: Title VII Preliminary Conference Transcripts are filed by the Director of the Office of Investigations, Office of Investigations)

332 Transcripts Security: *Limited*

Filed By: *Lisa R. Barton*

Firm Organization: *USITC*

Filed On Behalf Of: *Office of the Secretary*

Investigation Number: *701-470*

Security: *Limited (for public transcripts), Confidential (for in camera transcripts)*

Document Type: *Transcript*

Document Title: *Commission Hearing (Pages XXX-XXX)*

Document Date: *Date of proceedings*

Roundtables

Filed By: *Named USITC official*

Firm Organization: *USITC*

Filed On Behalf Of: *Named USITC office*

Investigation No.: **MISC-035**

Security: *Privileged*

Document Type: *Transcript*

Document Title: *Roundtable*

Document Date: *Date of the proceedings*

(Note: Transcripts that contains an open and closed session use the following format: Hearing (Pages X-XX) (with excerpts))

Distribution of Transcripts

Section 337 Transcripts

Original Transcript is filed on EDIS

ALJ (2) paper copies + (1) MSWord CD

OUII (2) paper copies + (1) ASCII CD

GC (1) paper copy + (1) MSWord CD

(If there is an open and closed session, there will be a MSWord CD for each; the ASCII CD will contain both open and closed sessions.)

*Bullock and Lord get (2) copies and an ASCII CD

337 Telephone Conferences

Original Transcript is filed on EDIS

Original + 2 copies and 2 MSWord CDs. Both hard copies and the CD go to the ALJ

Title VII Transcripts (Including votes)

Original Transcript is filed on EDIS

(1) paper copy to each Commissioner

(1) paper copy to GC + MSWord CD

(3) paper copies to INV + MSWord CD

(1) paper copy to EC

332 Transcripts

Original Transcript is filed on EDIS

(1) paper copy to each Commissioner

(1) paper copy to GC + MSWord CD

(3) paper copies to Industries or Economics + MSWord CD

Roundtables

Original Transcript is filed on EDIS

(3) paper copies to Industries + MSWord CD

Correcting Transcripts

Make all corrections in red on the Master copy. The Secretary is responsible for approving and/or denying all requests for corrections.

Only obvious transcription errors and punctuation errors should be approved. No substantive changes or changes to factual statements (numbers, etc.) should be allowed.

Make sure to log the date the transcripts are sent over for corrections. Corrections are due **7 business days from the date received** – make a note of this date as well.

The person picking up the transcripts for correction should initial besides the entry in the logbook.

Revised Transcripts

Requests for correction of the verbatim transcripts come in about a week after the hearings. When the revised transcripts arrive, check to ensure all corrections have been made. Mark the date the corrected transcripts were returned in the logbook next to the entry. If they were not returned by the due date make a note and bring to the attention of the Secretary.

Revised transcripts are submitted by the law firms and the Commissioners.

The revised transcript should also be scanned into EDIS following the appropriate coding as listed in

the previous sections.

Transcript copies should be distributed by Hearings and Information staff as follows:

- Original to Docket Services (accompanied with an EDIS coversheet for scanning)
- 1 Copy and 1 Disk to GC
- 2 Copy and 1 Disk to INV
- Total should be: 3 copies, 2 Disks

After distribution place the Master copy and any requests for corrections in a box to be stored in P-1 storage area for 6 months.

A listing of all transcripts being placed in storage, including investigation number, date and time of proceeding, title of investigation, page numbers of transcript and confidential or public, should be included in the box.

Security

USITC transcription services are provided by a contractor. Normally the terms of the contract require that the transcripts be limited to internal USITC use from 45 days from the date of the proceeding, depending on the requirements of the particular contracting service.

Public hearings are on limited record in EDIS for about 45 days. Once the proscribed time period has elapsed the documents are automatically moved to public viewing in EDIS.

Confidential hearings are on the confidential record and are coded in EDIS as confidential. Only certain internal USITC staff may have permission to view confidential transcripts in EDIS based on their specific work requirements.

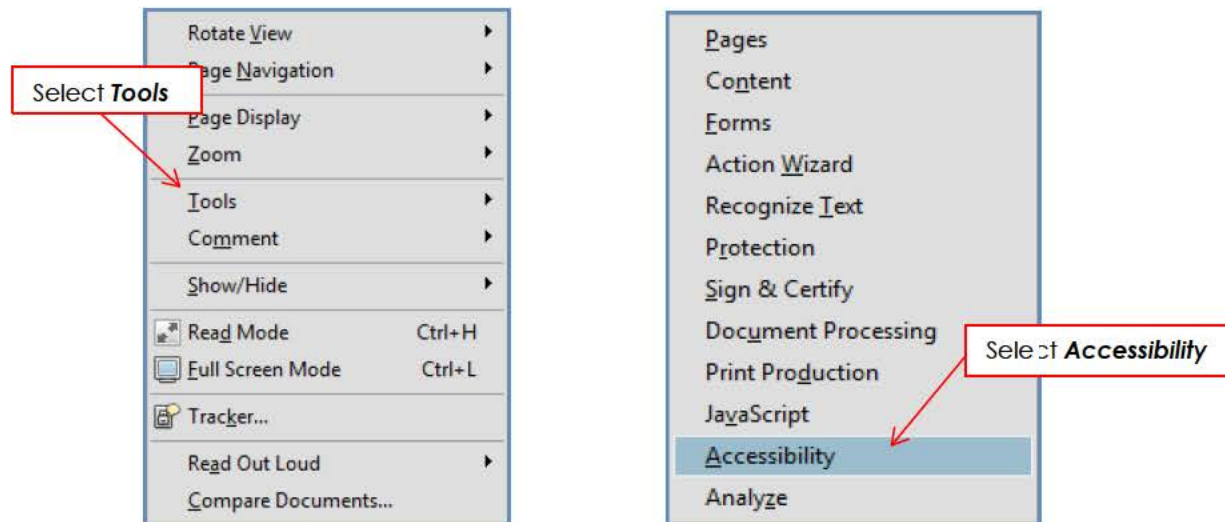
Appendix A

Accessibility Check Procedures

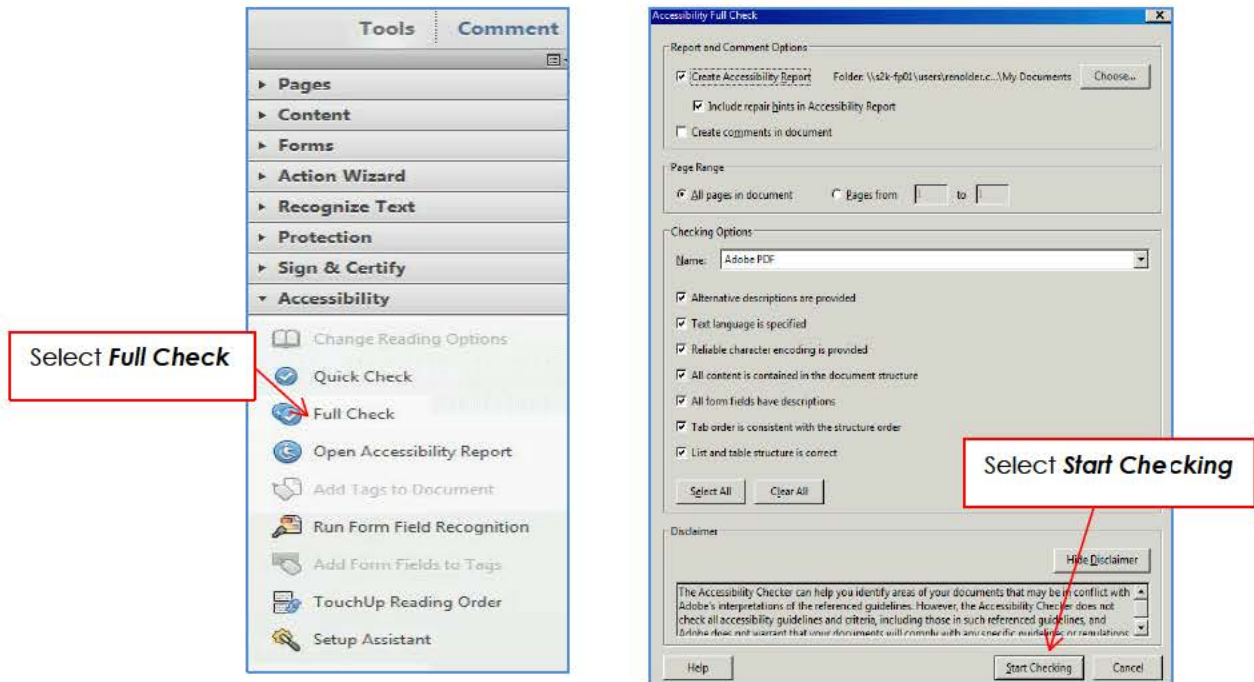
An accessibility check is required for all publications submitted for processing by the Office of the Secretary. All accessibility issues should be resolved prior to transmitting the publication package to the OSE. If the accessibility issue(s) cannot be resolved, the originating office must contact the OCIO Accessibility Team to request an accessibility waiver.

Step 1:

Perform Accessibility Check on publication (PDF attachment):

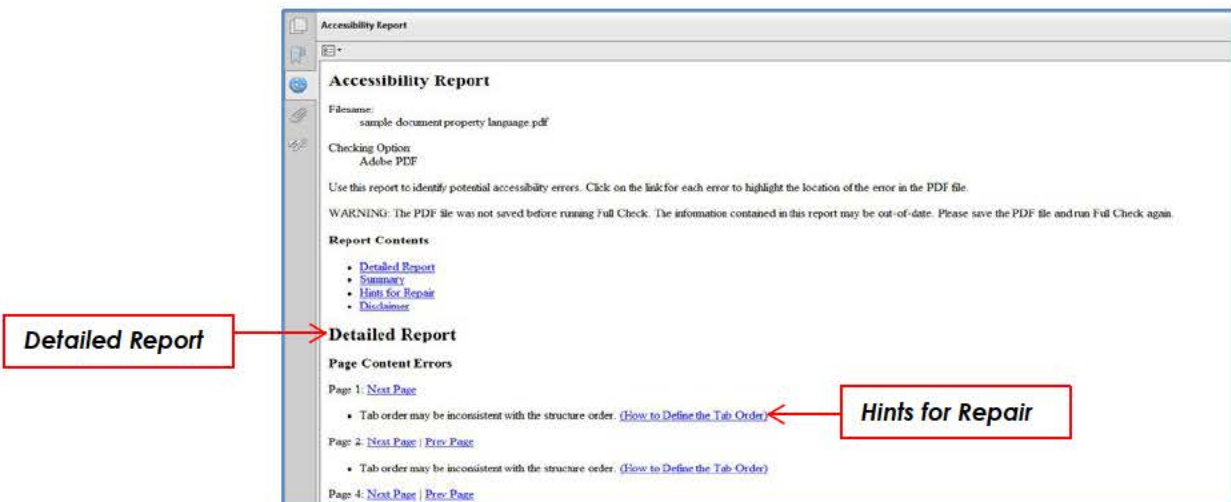


- Select ***View***
- Select ***Tools***
- Select ***Accessibility***



Step 2:

- Select **Full Check**
- Accessibility Full Check dialog box should appear
 - Use default settings and Select **Start Checking**
- Adobe Acrobat dialog box should appear identifying any errors
 - Select **OK**
 - If errors are identified, review Detailed Report of the Accessibility Report
- Use Hints for Repair to correct errors which are identified in the Accessibility Report



Appendix B

Conference Calling for Main Hearing Room (New Equipment)

(b) (7)(E)

Folder ID: (b) (7)(E)

Access/Host Code (b) (7)(E)

Participant Code: (b) (7)(E)

AT&T Conference Department: 1-800-232-1234

1. Test the system at least 30 minutes prior to each meeting.
2. Dial one of the numbers above (1-866-650-3044 or 1-510-637-7000).
3. Enter Host Code: (b) (7)(E) [BEEPS]
4. Hit #06 to enter phone number(s). [BEEPS]
5. Dial 1+Area Code+Number. [BEEPS]
6. When person answers hit # to connect them.
7. It will ask if there are more numbers to add. If not, hit #. If so, enter 1+Area Code+telephone number and hit #.
8. Dial 1-202-863-2621 to dial VTC into hearing room.
9. Using VTC remote control, push green telephone symbol while aiming at the black "eye" on wall between VTC control panel and light switch. You should see a green light blink.
10. Go back to audio control system screen on computer. Unmute VTC and turn volume all the way up.
11. Once all participants are on line, press "handsfree mute" button on phone TWICE (make sure it is blinking) and hang up handset. Make sure volume is turned all the way down.
12. Turn on microphone and make sure all participants can hear you through the sound system.

NOTES:

- 1.) Hit * to disconnect a mis-dialed number or if you get voice mail or the line is busy. Retry number.
- 2.) 202-488-8763 is the phone number of the phone line for the single-line phone used for conference calling.
- 3.) #0 to get Operator at any time during the call.

Appendix C

Courtroom Scheduling Calendar

The following procedures have been set forth to schedule a courtroom:

- Using Internet Explorer, go to Courtroom Scheduling Active Events Calendar on [Intranet](#) **(b) (7)(E)** (/) (Note that you must use Internet Explorer as your web browser. At present, Firefox does not support this calendar.)
- Note the color coding at the top identifying the Commission, judges, holidays and other, to help identify the event booked during the period.
- Note that rooms are assigned for only the next 30 days. Bookings can be made for any event more than 30 days out, but no room will be assigned by the courtroom scheduling committee until the event is within the 30 day window.
- Note that for each event requiring set up and break down, you must make three requests, the first day for set up, all the days you need for the event, and not more than one day to break down the room and remove all equipment and documents. (If you feel you need more than one day for break-down, please contact a scheduling committee member.)
- In the Active Events Calendar view, you can obtain more information about any event by clicking on the event. A new table will appear with complete booking information for that event including type, investigation number, title, start and end dates and times, location, etc.
- To book an event, click on the blue REQUEST BOOKING tab in the upper right quadrant of the screen. A new screen will appear with a number of lines of information for you to fill in as described below. Please make an effort to fill in these fields. Only input "n/a," if, after careful consideration, you have decided the field is truly not applicable to your request.
 - Type of Event: Use the drop down menu to select the type of event. If you are unsure about the type, ask the scheduling committee member assigned to you for assistance.
 - Investigation Number: Fill in with full investigation number, e.g. (337- TA-866 or 731- TA – 9999). If your event does not have an investigation number associated with it, type in N/A.
 - Title: Please use the short title of the investigation (for example, LEDs, rather than Light Emitting Diodes.)

- Phase: Select the applicable phase from the dropdown menu.
- Start Time: Select the dates you need a room and the time. Do not forget to add a set up date the day before your event and hearing breakdown day at the end.
- End Time: Select the maximum days you will need the room. It is always easier to reduce the number of days a room is booked than to add time if you underestimate how long the hearing or other event will take.
- Commission Office Holding the Event: select the applicable office from the dropdown menu.
- Contact Name: This may not be the person actually presiding over the event. This should be the person at the USITC who may be contacted with questions or concerns. Only an USITC contact should be listed, even for outside events.
- Contact Phone: Extension for the USITC contact person is sufficient.
- Room Layout: Select from the dropdown. If you are unsure about the layout, ask the scheduling committee member assigned to you for assistance. Please note: Selecting a room layout does not arrange for any services or set-up assistance. Continue to contact Facilities Management Services (b) (7)(E) to make arrangements for your event.
- Court Reporter Required: If yes, check the box. Most events require a court reporter.
- SAVE: Save your event so that the information will be transmitted to the scheduling committee.
- To change or cancel an event:
 - Click on the event in the calendar that you wish to change or cancel which will bring up the details screen for the selected event.
 - Note the Title and current Start Date/Time of the event (because you will need to input that information on the next screen) and click the blue Change Request button at the top of the page.

- On the resulting pop-up page, enter the Title and current Start Date/Time of the event and in the text box below a brief description of and reason for the change. (An example of a brief description would be “Party conflict. Changing Start Date/Time to May 18, 2013” OR “Case settled. Cancel this event.”)
- Click submit. This will transmit your request to the scheduling committee who will update the calendar accordingly. You will receive e-mail notification once your change has been completed in the calendar.
- Please note that you must submit a change request when a scheduled event ends ahead of schedule. For example, if a 337 hearing was scheduled to conclude on May 20, 2012, but actually concluded on May 18, 2012, please send a change request soon thereafter the conclusion of the event saying something along the lines of “Hearing ended early. Change End Date/Time to May 18, 2012.”
- Scheduling Committee Members:
 - Section 337 events: Administrative Specialist to the Chief Administrative Law Judge,
 - Title VII, 332 and outside events: Supervisory Hearings and Information Officer,
 - Commissioner’s Office: Counsel to the Commissioner
 - Acting Secretary or Secretary to the Commission

Appendix D Customer Services Support Request Form Procedures

The Office of the Secretary staff will follow the below listed procedures when submitting a Customer Service Support request.

Step 1:

Access [Customer Service Support Request form](#)

Step 2:

Add New Request:

- Select **Add New Request**



Step 3:

Enter the following information:

Title	Pub3904 Provide a brief description of your task request.
Requestor	Renoir Cotton
Office or Division	Secretary
Investigation Number (if applicable)	332-473
Labor Cost Code	1C <small>Click on link to access labor Cost Code http://iapps.usitc.gov/actpub/valid_labor_codes.asp and then type code in the provided field</small>
Request Due	1/8/2013 5:15 PM
Attachment(s)	Yes @ Click here to attach a file ✗ PrintRequest_Folding_Gift_Boxes_from_China.pdf ✗ pub3904.pdf
Publishing Services	
Graphic Design Services	
Print and Reproduction Services	Printing/Reproduction (Color) Attach print request form
Number of Copies	20
Finishing Specifications	<input type="checkbox"/> 1-sided <input type="checkbox"/> 2-sided <input type="checkbox"/> 3-hole Punch <input type="checkbox"/> Cutting <input type="checkbox"/> Drilling <input type="checkbox"/> Folding <input type="checkbox"/> GBC Binding <input checked="" type="checkbox"/> Perfect Binding <input type="checkbox"/> Staple <input type="checkbox"/> Other (Please specify)

- **Title:** *Enter Publication number or document title*
- **Requestor:** *OSE staff name*
- **Office or Division:** *Secretary*
- **Investigation number (if applicable)**
- **Labor Cost Code:** *If applicable, provide Activity Code located in Item 10 of Print Work Request form (USITC-120))*
- **Request Due Date:** *Provide a date and time when request should be completed*
- **Attachment(s):**
 - Select **Yes**
 - Select **Click here to attach file(s)**. (i.e., Attach publication and completed Print Work Request form (USITC-120))
- **Select Services**
 - **Publishing Services:** *Publishing services provides creates documents such as brochures, business cards, fact sheets, forms, newsletters, etc.*
 - **Graphic Design Services:** *Graphic Design services provide photography, custom graphic images, etc. (Note: If applicable, review Item 18 of Print Work Request form (USITC-120).)*
 - **Print and Reproduction Services:** *Print and Reproduction Services provides publication printing, scanning, mailings, etc. (Note: If applicable, review Items 11, 15, 18-19 of the Printing Work Request form (USITC-120))*
 - Select **Printing/Reproduction(Black & White)**, if applicable
 - Select **Printing/Reproduction(Color)**, if applicable
 - **Number of copies:** *Enter number of copies. (Note: If applicable, Review Item 25 of the Printing Work Request form (USITC-120) to determine the number of copies.)*
 - **Finishing Specifications:** (Note: If applicable, Review Items 14-15, 17-18 of the Printing Work Request form (USITC-120))
 - **Additional information**
- Select **Save**
- Select **Close**

Appendix E

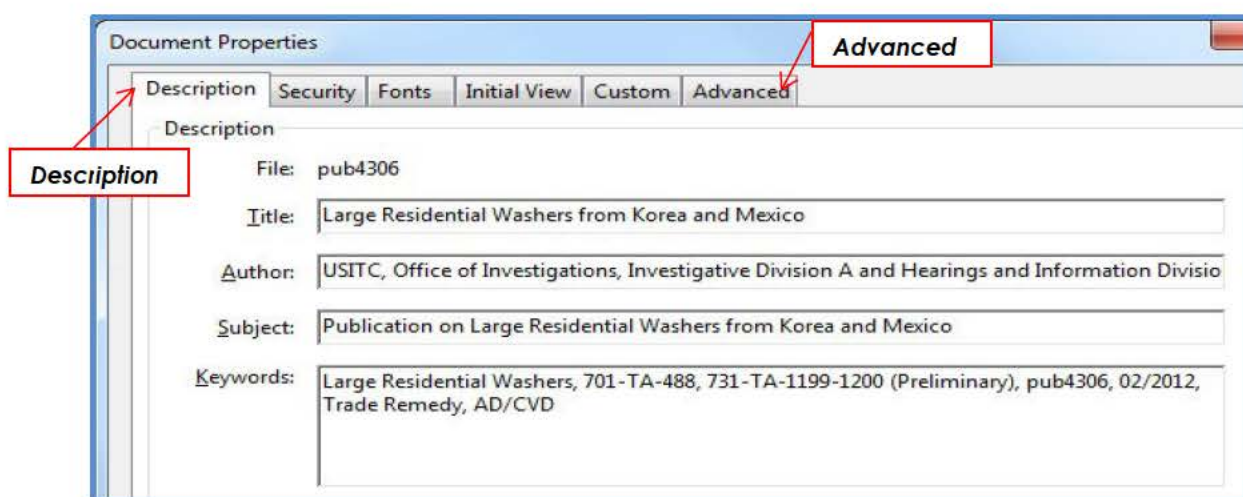
Document Properties Procedures

Apply the below listed procedures when entering the Document Properties of a publication in an Adobe Portable Document Format (PDF).

Step 1:

Enter Adobe PDF Document Properties:

- Open the appropriate Adobe PDF *File*
- Select *File*
- Select *Properties*
 - The Document Properties dialog box should open



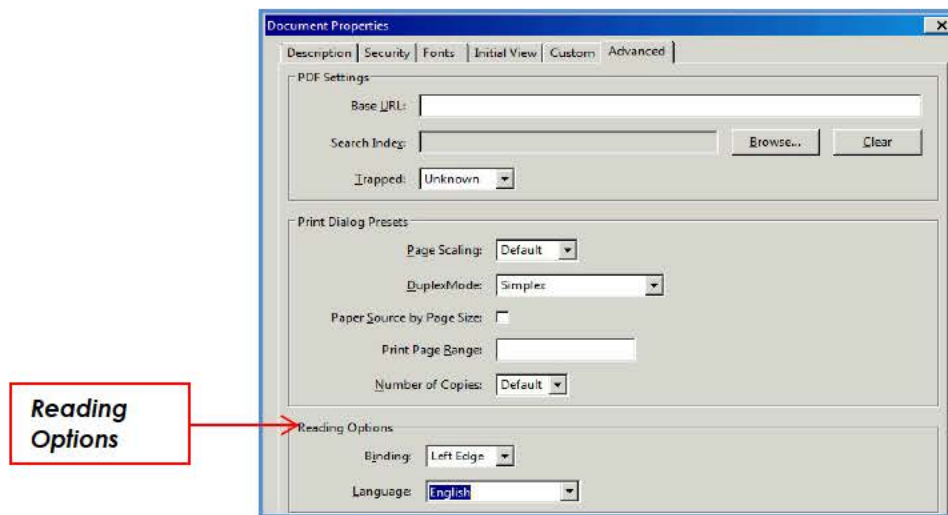
- Select *Description*

Enter the following fields:

- **Title:** Enter the official title of the publication or investigation title.
- **Author:** Enter the web-owner that publishes the document to the web.
 - **Agency:** USITC
 - **Primary Office:** Identify the name and division of the author
 - **Additional Offices:** Hearings and Information Division (i.e., USITC, office name and division of the originating office, and Hearings and Information Division)
- **Subject:** Enter a short statement describing the document and highlighting key concepts or critical search terms. (i.e., Notice of Commission Determination to Review an ID or Institution of a Five-year Review, etc.)
- **Keywords:** Enter searchable terms which will assist the public in locating the publication. (Note: Absolutely crucial terms should be included in the title and/or description.) (i.e., pub4306, 337-TA-562. etc.)

Step 2:

Update Reading Options:



- Select **Advanced**
 - Select Reading Options
 - Binding (default Left Edge)
 - Language: Select **English**
 - Select **OK**
- **Save** document
 - Select **File**
 - Select **Save As**
 - **Save As** dialog box should appear
 - Select an authorized electronic record/non-record repository location
 - Enter **File name**
 - * The document file name should clearly identify the content/subject matter of the file in 50 characters or less.
 - * The document file name should NOT include spaces, dashes, or special characters. An underscore may be used instead of spaces and dashes (i.e., Pub4306 or 337_850_notice01112013sgl).
- Select **Save**

Appendix F Electronic Document Information System (EDIS) Filing Procedures

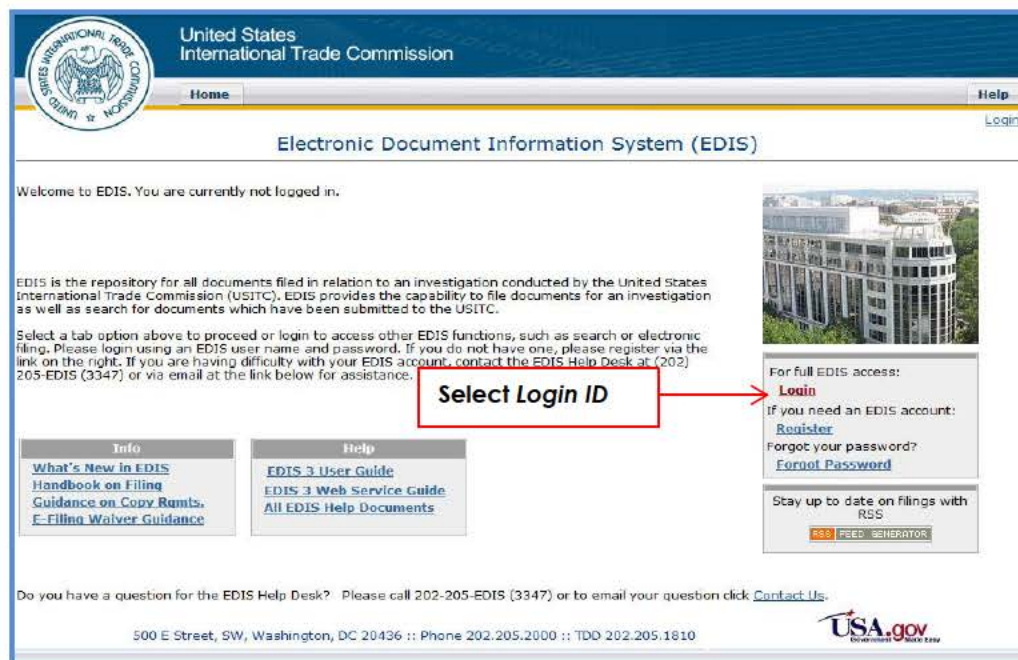
Creating an EDIS Cover sheet

The Hearings and Information staff will follow the below listed procedures when creating an EDIS cover sheet for a paper filing.

Step 1:

Go to EDIS internal [website](https://edis.usitc.gov) (https://edis.usitc.gov (b) (7)(E))

- Select **Login ID**



- Enter **Username, Password, and Word** appearing in the picture

EDIS Login

Enter Username and Password

Username

Password

Please type the word appearing in the picture

XJSXG

If you need an EDIS account: [Register](#)

Forgot your password? [Forgot Password](#)

Step 2:

Generate a cover sheet for filing a document

- Select **Create Cover Sheet**

The screenshot shows the United States International Trade Commission (USITC) website. The page title is "EDIS File Documents". It contains instructions for submitting documents electronically or by paper. A red box with the text "Select Create Cover Sheet" has an arrow pointing to the "Create Cover Sheet!" link in the "E-File Document" section.

- Enter the required fields

The screenshot shows the "EDIS Cover Sheet Submission" form. The form is divided into several sections:

- Submitter Information:** Filed By: Lisa R. Barton; Firm Organization: USITC; Filed On Behalf Of: Office of the Secretary; Submitted By: (b) (6).
- Investigation Information:** Investigation Number: 337-608; Investigation Type: Sec 337; Investigation Phase: Violation; Investigation Title: Certain Nitrile Gloves, Inv. No. 337-TA-608.
- Document Filing Information:** Security Level: Public; Document Type: Notice; Document Title: Commission Determination Not to Review (Optional) * Recommended; Document Date: 05/17/2013; Federal Register Number, Action Jacket Control Number, and Memorandum Control Number are empty.
- Processing Information:** OSE Alert Flag, Party Has Been Served, and Public Version of Confidential Doc are all unchecked.

At the bottom of the form, there are "Create Cover Sheet" and "Reset Form" buttons.

- **Filed By:** Signatory of the document (*i.e., Secretary/Acting Secretary or a Commissioner*)
- **Firm Organization:** USITC
- **Filed On Behalf Of:** Office of the Secretary or Chairman
- **Investigation Number**

Narrow search by selecting any of the following:

- * **Find Investigation**
- * **Investigation Status**
- * **Investigation Phase**
- * **Investigation Type**
- * **Investigation Number:** (Tip: Using investigation number allow user to view and select the associated phase. User should review investigation title caption located on the document to determine the correct phase.)
- * **Investigation Title**

Inv Num	Phase	Title
337-648	Remand	Certain Semiconductor Integrated Circuits Using Tungsten Metallization Same, Inv. No. 337-TA-648
337-648	Violation	Certain Semiconductor Integrated Circuits Using Tungsten Metallization Same, Inv. No. 337-TA-648

Select appropriate investigation phase

- **Security level**
- **Document Type**
- **Document Title**
- **Document Date**
- **Action Jacket Control Number**
- **Memorandum Control Number**

- Select *Create Cover Sheet*

- Review information to ensure accuracy of entered information
 - If editing is required Select **Edit Cover Sheet Data**
 - If no editing is required Select **Accept Information**

United States International Trade Commission

Home Inv Mgmt Dockets Desk Admin Reports Search Submission User Info Help

Welcome, Renolder. Logout

Confirmation for EDIS Cover Sheet Submissions

Step One > **Step Two >** Step Three

You have Requested to file a document with the Security Level of: **ADMINISTRATIVE**

Please verify that the following information is accurate:

Submitter Information	
Filed By	Renolder Cotton
Firm / Organization	USITC
Filed On Behalf Of	Office of Administration
Submitted By	(b) (6)

Investigation Information		Investigation Number: 337-648
Investigation Phase	Remand	
Investigation Type	Sec 337	
Investigation Title	Certain Semiconductor Integrated Circuits Using Tungsten Metallization and Products Containing Same, Inv. No. 337-TA-648	

Document Filing Information		SOURCE TYPE: Cover Sheet
Document Number		
Security Level	Administrative	
Document Type	Records Management	
Document Title	Transmittal of Evidence	
Document Date	05/17/2013	
Memorandum Control Number		
Action Jacket Control Number		
OSE Alert Flag	<input type="checkbox"/>	Party Served <input type="checkbox"/>

Accept Information Edit Cover Sheet Data Cancel

- Select **Print page**



- Select **File Another Document** (if applicable)
- Select any tab to exit the page

E-filing a document

The Hearings and Information Division staff will e-file documents in lieu of a paper filing. Follow the below listed procedures when e-filing a document:

Step 1:

E-filing a document

- Select *E-File Document*

Select E-File Document

United States International Trade Commission

Home Inv Mgmt Dockets Desk Admin Reports Search Submission User Info Help

Welcome, Renolder. Logout

EDIS File Documents

Users must submit documents to CDIS electronically unless the document is specifically exempted in the Commission rules or the user has obtained a waiver exception from the Secretary. E-filed documents should be broken into manageable parts, not greater than 25 MB for each part.

If the document is exempted or the user has obtained a waiver then the document may be filed over-the-counter by paper with an EDIS Cover Sheet. Cover Sheets will need to be created for hand-delivery of documents to the USITC. Print the cover sheet and attach it to the document. The required number of paper copies must be provided. Certain documents can be submitted on CD/DVD in Section 337 investigations. Create a cover sheet before delivering CD media to the USITC. The submission must follow the rules established by the Administrative Law Judge.

[E-File Document](#)
Use this link to electronically file a document with the USITC

[Create Cover Sheet!](#)
Generate a cover sheet for filing a document with the USITC which is to be hand-delivered on paper or via CD/DVD media.

Do you have a question for the EDIS Help Desk? Please call 202-205-EDIS (3347) or to email your question click [Contact Us](#).

500 E Street, SW, Washington, DC 20436 :: Phone 202.205.2000 :: TDD 202.203.1810

USA.gov
Department of Justice

Step 2:

- Enter the required fields

EDIS Electronic Document Submission

Step One > Step Two > Step Three > Step Four

Complete the Document Submission Form to submit documents to the USITC. Please enter information in all required fields. Click on Attach/Edit Document(s) to upload Acrobat PDF files for your submission. Upon completion, print the "EDIS Notice of Receipt of Electronic Documents" page for your records.

Submitter Information

Filed By: Lisa R. Baron
Firm Organization: USITC [Find Firm]
Filed On Behalf Of: Office of the Secretary
Submitted By: (b) (5)

Investigation Information

Investigation Number: 337-648 [Find Investigation]
Investigation Type: Sec 337
Investigation Phase: Remand
Investigation Title: Certain Semiconductor, Integrated Circuits Using Tungsten Metallization and Products, Containing Same, Inv. No. 337-TA-648

Document Filing Information

Security Level: Administrative
Document Type: Records Management
Document Title: Transmittal of Evidence (Optional) * Recommended
Document Date: 05/17/2013 (MM/DD/YYYY)
Action Jacket Control Number:
Memorandum Control Number:

Processing Information

OSE Alert Flag:
Party Has Been Served:

[Attach/Edit Document(s)] [Reset Form]

- **Filed By:** Signatory of the document (*i.e., Secretary/Acting Secretary or a Commissioner*)
- **Firm Organization:** USITC
- **Filed On Behalf Of:** Office of the Secretary or Chairman
- **Investigation Number**

Narrow search by selecting any of the following:

- * **Find Investigation**
- * **Investigation Status**
- * **Investigation Phase**
- * **Investigation Type**
- * **Investigation Number:** (Tip: Using investigation number allow user to view and select the associated phase. User should review investigation title caption located on the document to determine the correct phase.)
- * **Investigation Title**

Select appropriate investigation phase

EDIS - FIND INVESTIGATION

Filter By:

Investigation Status Active Cancelled Inactive Preinstitution A

Investigation Phase

Investigation Type

Investigation Number

Investigation Title

Items per Page

Filter Results: 1-2 of 2

<u>Inv Num</u>	<u>Phase</u>	<u>Title</u>
337-648	Remand	Certain Semiconductor Integrated Circuits Using Tungsten Metallization Same, Inv. No. 337-TA-648
337-648	Violation	Certain Semiconductor Integrated Circuits Using Tungsten Metallization Same, Inv. No. 337-TA-648

- **Security level**
- **Document Type**
- **Document Title**
- **Document Date**
- **Action Jacket Control Number**
- **Memorandum Control Number**

- Select **Attach/Edit Document(s)**

United States International Trade Commission

Home Inv Mgmt Dockets Desk Admin Reports Search Submission User Info Help

Welcome, Renolder... Logout

Add Attachments to Document

All documents must be in PDF format and comply with USITC electronic filing standards. Documents will be checked for standards compliance during the upload process. You may add as many attachments as necessary to complete your document, but only add attachments which make up a single document. Do not submit multiple investigation documents as a single document. The first attachment must be the main portion of the document. Additional attachments should be added in the order that the document would be read. Using the Add Multiple Attachments at Once option, up to ten attachments from a single folder can be added at one time.

If you receive a virus error when uploading a file, the recommended action is to remove all JavaScript from the PDF file by flattening the PDF. This can be accomplished by printing the file to a PDF print driver. Please click this link [PRINT TO PDF](#) to see the guidance from the EDIS CD Submission Guide.

Step One > **Step Two >** Step Three > Step Four

Add Document Attachment for Electronic Submission

All documents must be in PDF format. (Currently there is a 25 megabyte (25MB) size limit for each attachment.)

Attach File:

Attachment Title:

Attachments

No files uploaded yet.

Do you have a question for the EDIS Help Desk? Please call 202-205-EDIS (3347) or to email your question click [Contact Us](#).

500 E Street, SW, Washington, DC 20436 :: Phone 202.205.2000 :: TDD 202.205.1810

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- Select **Browse** to Attach File
- Enter **Attachment Title**
- Select **Add Attachment** to add a single attachment or
- Select **Add Multiple Attachments at a Time** to add multiple attachments
- Select **Accept Attachments** (if no editing required) or **Back to Document Data** (editing required)

- Review information to ensure accuracy of entered information
 - If no editing is required select **Accept Information**
 - If editing is required select **Edit E-Filing Data**
 - If editing of attachment(s) is required select **Edit Attachments**

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Confirmation for EDIS Document Submissions

Step One > Step Two > **Step Three >** Step Four

You have Requested to file a document with the Security Level of: ADMINISTRATIVE

Please verify that the following information is accurate:

Submitter Information

Filed By: Lisa R. Barton
 Firm / Organization: USITC
 Filed On Behalf Of: Office of the Secretary
 Submitted By: (b) (6)

Investigation Information Investigation Number: 337-648

Investigation Phase: Remand
 Investigation Type: Sec 337
 Investigation Title: Certain Semiconductor Integrated Circuits Using Tungsten Metalization and Products Containing Same, Inv. No. 337-TA-648

Document Filing Information SOURCE TYPE: Electronic Submission

Document Number:
 Security Level: Administrative
 Document Type: Records Management
 Document Title: Transmittal of Evidence
 Document Date: 05/17/2013
 Memorandum Control Number:
 Action Jacket Control Number:
 OSE Alert Flag Party Served

Attachments

#	File Name	Title	Size
1	Ground Rules.pdf	test	14.5 MB

Accept Information Edit E-Filing Data Edit Attachments Cancel

- Select **Print page**



- Select **File Another Document** (if applicable)
- Select any tab to exit the page

Appendix G

Publication Numbering Log Database Procedures

Official Publications Log
Maintenance System

Edit TABLE: Publication Numbering Log

[Go Back](#)

Document Type ?	I&EA	Add Document Type
Category ?	FTA	Add Category
Publication Number ?	4324	
Date of Publication ?	10/01/2012	
Title ?	Effect of Adding References to HS 6104.32 to Correct the U.S.-Korea FTA Product-Specific Ru	
Recipient Name ?	<input type="text"/>	
Date Issued ?	<input type="text"/>	
Assigner Name ?	<input type="text"/>	
Location ?	WebSite	Add Location
Pub file name ?	<input type="text"/>	

Step 1:

Designated OSE staff will have access to the Official Publications Log Maintenance System to update the following fields:

- Document Type
- Category
- Publication Number
- OCIO/Web Team staff will enter the date of publication to ensure that publication is posted at the same time of the date entry
- Title

Step 2:

Web Posting Team updates the Date of Publication and the (PUB_FILE_NAME) also referred to as the web path. Once this task is completed, the publication is publicly available in the Official Publications Log.

Step 3:

All publications should be named using the following format: **pub####.pdf**

Do **NOT** include the following:

- Spaces (%20)
- Uppercase letters (Pub)
- Investigation Number (337-TA-717)

- Special Characters (/*/&)

Appendix H Web Posting Procedures

The Office of the Secretary staff will follow the below listed procedures when submitting a request for publications to be posted on the USITC website.

Step 1:

Access the [Web Posting Request form](#) (*Click on link and Select Web Posting Requests*)

Step 2:

Add New Request

- Select **Submit a New Request**
- Enter the following information:

The screenshot shows a web form for submitting a request. The form fields and their corresponding callout boxes are as follows:

- Request Summary Title***: HOT NOTICE Commission Determination to Review an ID. (Callout: Document Title)
- Requesting Office/Division***: Secretary. (Callout: Enter Secretary)
- Type of Posting***: Federal Register Notice. (Callout: Select Type of Posting)
- Investigation/Publication Number**: 337-562 (if applicable). (Callout: Enter Investigation or Publication Number)
- Website/Location***: www.usitc.gov. (Callout: Select and enter Website posting location(s))
- Additional Posting Instructions**: (Empty field)
- Request Special Posting Time**: Yes. (Callout: Complete if "Hot Notice")
- Date and Time**: 1/11/2013 5:00:00 PM. (Callout: Complete if "Hot Notice")
- Justification for Special posting time**: HOT NOTICE. (Callout: Complete if "Hot Notice")
- Number of Attachments**: 1. (Callout: Select Number of Attachments)
- Is your attachment(s) Section 508 Compliant?** Yes. (Callout: 508 Compliant?)
- Does your document(s) contain the necessary document properties?** Yes. (Callout: Document properties completed?)
- Additional Files Expected?** No. (Callout: Document properties completed?)
- Attachments**: Click here to attach a file. (Callout: Attach files)

- **Request Summary Title:** Notice or publication title (Use 50 characters or less)
 - **Standard notices:** Notice title (i.e., Commission Determination to Review an ID)
 - **HOT notices:** HOT NOTICE and Notice title (i.e., HOT NOTICE Determination to Review an ID)
- **Requesting Office/Division:** Secretary
- **Type of Posting:** (i.e., Federal Register Notice, Publication, etc.)
- **Select Notice type:**
 - 337
 - 332
 - 731/701
 - Sunset (Review) (Note: Sunset notices include a 701 or 731 Case; however, the notice relates to the review of the determination by the Commission.)
- **Select Publication type:**
 - AD/CVD Commission Opinions & Reports
 - Section 337 Opinions & Reports
 - 332
 - Staff Publications
 - Proclamation Annexes
- **Investigation/Publication Number:** Locate investigation number on notice or publication
- **Website/Location:** Based on Notice type
- **Select one (1) of the following website locations and enter URL (http:) address in the Additional Posting Instructions section:**
 - **337 Notice**
 - www.usitc.gov
 - http://usitc.gov/secretary/fed_reg_notices/337/
 - <http://usitc.gov/archive/>
 - **332 Notice**
 - www.usitc.gov
 - http://usitc.gov/secretary/fed_reg_notices/332/
 - <http://usitc.gov/archive/>

- **701/731 Notice**
 - www.usitc.gov
 - http://usitc.gov/secretary/fed_reg_notices/701_731/
 - <http://usitc.gov/archive/>

- **Sunset Notice**
 - www.usitc.gov
 - http://usitc.gov/secretary/fed_reg_notices/sunset/
 - <http://usitc.gov/archive/>

- **Publications**
 - [USITC's intranet \(www.usitc.gov\)](http://www.usitc.gov)
 - Publications Archive Database, pub# (i.e., pub4306)
 - [Official Publication Log:](http://pubapps.usitc.gov/applications/publogs/qry_publication_loglist.asp?start=21)
http://pubapps.usitc.gov/applications/publogs/qry_publication_loglist.asp?start=21)

- Enter one (1) of the following link locations

701-731: (*http://www.usitc.gov/trade_remedy/publications/opinions_index.htm*)

Safeguard: (*http://www.usitc.gov/trade_remedy/publications/safeguard_publications.htm*)

Sunset: (*http://www.usitc.gov/trade_remedy/publications/opinions_index.htm*)

337: (*http://www.usitc.gov/intellectual_property/int_prop_publications.htm*)

332: (*http://www.usitc.gov/research_and_analysis/commission_publications.htm*)

Additional Posting Instructions: Enter any special posting information such as URL address, etc.

- **Request Special Posting Time:** Use this field to identify **HOT NOTICE** which requires posting at **5:00 p.m.**
 - Select **Yes or No. If YES, enter Date, Time, and Justification**
 - **Date and Time:** Enter requested posting date and time

- Justification for Special posting time: Enter justification such as **HOT NOTICE**
 - **Number of Attachments:** Enter number of attachments
 - **Is your attachment(s) Section 508 Compliant? YES**
 - **Does your document(s) contain the necessary document properties?**

YES (*Ensure the document properties are properly completed. (See Document Properties Procedures)*)

- **Additional Files Expected?** NO
 - **Upload attachment**
-
- Select **Save & Close**

§201.18 Denial of requests, appeals from denial.

(a) Written requests for inspection or copying of records shall be denied only by the Secretary or Acting Secretary, or, for records maintained by the Office of Inspector General, the Inspector General. A denial shall be in writing and shall provide information on the exemptions that justify withholding and the amount of information withheld. The denial also shall advise the person requesting of the right to appeal to the Commission.

(b) An appeal from a denial of a request must be received within ninety days of the date of the letter of denial and shall be made to the Commission and addressed to the Chairman, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. Any such appeal shall be in writing, and shall indicate clearly in the appeal, and if the appeal is in paper form on the envelope, that it is a "Freedom of Information Act Appeal." An appeal may be made either in paper form, or electronically by contacting the Commission at <https://www.usitc.gov/foia.htm>.

(c) Except when expedited treatment is requested and granted, appeals will be decided in the order in which they are filed, but in any case within twenty days (excepting Saturdays, Sundays, and legal holidays) unless an extension, noticed in writing with the reasons therefor, has been provided to the person making the request. Notice of the decision on appeal and the reasons therefor will be made promptly after a decision. Requests for expedited treatment should conform with the requirements in §201.17(c) of this part.

(d) The extensions of time mentioned in paragraph (c) of this section shall be made only for one or more of the following reasons:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are requested in a single communication; or
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having a substantial subject-matter interest therein.

(e) The extensions of time mentioned in paragraph (c) of this section shall not exceed ten working days in the aggregate.

(f) A response to an appeal will advise the requester that the Commission's FOIA Public Liaison officer and the Office of Government Information Services both offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. The requester may contact the Commission's FOIA Public Liaison officer by telephone (202-205-2595) or email (foia.se.se@usitc.gov) or the Office of Government Information Services at National Archives and Records Administration, 8601 Adelphi Road—OGIS, College Park, Maryland 20740-6001.