



**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436**

ADMINISTRATIVE PROTECTIVE ORDER

Inv. No. TA- _____

(Name of Investigation) _____

A. Application

1. To obtain disclosure of confidential business information (“CBI”) under this Administrative Protective Order (“APO”), an authorized applicant, as defined in section 206.17(a)(3) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 206.17(a)(3), as amended), must comply with the terms of this APO.
2. An application for disclosure must be made by an authorized applicant in the form attached hereto. The authorized applicant shall file an application with the Secretary to the Commission (“the Secretary”) within the deadlines provided in section 206.17(a)(2) of the Commission's rules. An authorized applicant need file only one application in order to obtain CBI in both the preliminary and the final phases of an investigation.
3. In order to obtain disclosure of CBI under this APO from Commission personnel, an authorized applicant must present a copy of his application and personal identification satisfactory to the Secretary. If the authorized applicant wishes a person described in paragraph B(1)(iv) of this APO to act for him in obtaining disclosure, the person must present a copy of his or her, Acknowledgment for Clerical Personnel form and personal identification satisfactory to the Secretary.

B. Obligations of the authorized applicant

By filing an application, the authorized applicant shall agree to:

1. Not divulge any of the CBI disclosed under this APO or otherwise obtained in this investigation and not otherwise available to him or her, to any person other than
 - i. Personnel of the Commission concerned with the investigation,
 - ii. The person or agency from whom the CBI was obtained,
 - iii. A person whose application for disclosure of CBI under this APO has been granted by the Secretary, and

- iv. Other persons, such as paralegals and clerical staff, who (a) are employed or supervised by and under the direction and control of the authorized applicant or another authorized applicant in the same firm whose application has been granted; (b) have a need thereof in connection with the investigation; (c) are not involved in competitive decision making for an interested party which is a party to the investigation; and (d) have signed the Acknowledgment for Clerical Personnel in the form attached hereto (the authorized applicant shall also sign such acknowledgment and will be deemed responsible for such persons' compliance with this APO);
2. Use such CBI solely for the purposes of the above-captioned Commission investigation;
3. Not consult with any person not described in paragraph (1) concerning CBI disclosed under this APO or otherwise obtained in this investigation without first having received the written consent of the Secretary and the party or the representative of the party from whom such CBI was obtained;
4. Whenever materials (e.g. documents, removable computer disks or similar media, etc.) containing such CBI are not being used, store such material in a locked file cabinet, vault, safe, or other suitable container (N.B.: storage of CBI on so-called hard disk computer or similar media is to be avoided, because mere erasure of data from such media may not irrecoverably destroy the CBI and may result in violation of paragraph C of this APO);
5. Serve all materials containing CBI disclosed under this APO as directed by the Secretary and pursuant to section 206.17(f) of the Commission's rules;
6. Transmit each document containing CBI disclosed under this APO:
 - i. with a cover sheet identifying the document as containing CBI,
 - ii. with all CBI enclosed in brackets and each page warning that the document contains CBI,
 - iii. if the document is to be filed by a deadline, with each page marked "Bracketing of CBI not final for one business day after date of filing," and
 - iv. within two envelopes, the inner one sealed and marked "Confidential Business Information --To be opened only by [name of recipient]", and the outer one sealed and not marked as containing CBI;
7. Comply with the provisions of this APO and section 206.17 of the Commission's rules;
8. Make true and accurate representations in the authorized applicant's application and promptly notify the Secretary of any changes that occur after the submission of the application and that affect the representations made in the application (e.g., change in personnel assigned to the investigation);

9. Report promptly and confirm in writing to the Secretary any possible breach of this APO; and
10. Acknowledge that breach of this APO may subject the authorized applicant and other persons to such sanctions or other actions as the Commission deems appropriate, including the administrative sanctions and actions set out in this APO.

C. Return and destruction of CBI

1. At any time, the Secretary may order the return, destruction, or transfer of any CBI disclosed under this APO, in which case the authorized applicant shall promptly return such CBI to the Secretary or to the submitter of the CBI or destroy the CBI or transfer the CBI to another authorized applicant, as the Secretary may direct.
2. Within sixty (60) days after the completion of this investigation (e.g., after the publication in the *Federal Register* of a Commission determination), or at such other time as the Secretary may direct, the authorized applicant shall return or destroy all copies of CBI disclosed under this APO and all other materials containing such CBI, such as charts or notes based on such CBI. Whenever returning or destroying CBI pursuant to this paragraph, the authorized applicant shall file: (1) a certificate attesting that to the applicant's knowledge and belief all copies of such CBI have been returned or destroyed and no copies of such CBI have been made available to any person to whom disclosure was not specifically authorized and (2) a copy of the signed and dated Acknowledgment for Clerical Personnel forms maintained during the course of the investigation.

D. Sanctions and other actions for breach of this APO

The authorized applicant shall in the application acknowledge that, pursuant to section 206.17 of the Commission's rules, breach of this Administrative Protective Order may subject an offender to:

1. Disbarment from practice in any capacity before the Commission along with such person's partners, associates, employer, and employees, for up to seven years following publication of a determination that the order has been breached;
2. Referral to the United States Attorney;
3. In the case of an attorney, accountant, or other professional, referral to the ethics panel of the appropriate, professional association;
4. Such other administrative sanctions as the Commission determines to be appropriate, including public release of, or striking from, the record any information or briefs submitted by, or on behalf of, such person or the party he represent, denial of further access to confidential business information in the current or any future investigations before the Commission, and issuance of a public or private letter of reprimand; and

5. Such other actions, including but not limited to a warning letter, as the Commission determines to be appropriate.

By order of the Commission.

Lisa R. Barton
Secretary

Issued:

Attachments:

1. Form Application for Disclosure of Business Proprietary Information under Administrative Protective Order
2. Form Administrative Protective Order Acknowledgment for Clerical Personnel