

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

Docket No. MISC-040

NOTICE CLARIFYING COMMISSION RULES

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: The rules issued on April 19, 2013, 78 *Fed. Reg.* 23474, are applicable to investigations instituted on or after May 20, 2013. Although the rules are not applicable to investigations instituted before May 20, 2013, parties are nonetheless encouraged to submit proposed consent orders consistent with Commission rule 210.21(c), as amended. This notice contains further notes on the inherent authority of the administrative law judges (“ALJs”) with respect to consolidation of investigations and limitations on depositions.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (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 this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission published a notice of proposed rulemaking in the Federal Register at 77 *Fed. Reg.* 41120 (July 12, 2012), proposing to amend the Commission's Rules of Practice and Procedure to make certain changes to 19 C.F.R. Parts 201 and 210, rules of general application, adjudication, and enforcement. The Commission published a notice of final rulemaking in the Federal Register at 78 *Fed. Reg.* 23474 (April 19, 2013). This Notice is intended to clarify some elements of the final rulemaking.

The rules issued on April 19, 2013, are applicable to investigations instituted on or after May 20, 2013. Although the rules are not applicable to investigations instituted before May 20, 2013, parties are nonetheless encouraged to submit proposed consent orders consistent with Commission rule 210.21(c), as amended.

The Commission further notes that the Chief ALJ retains the inherent authority to consolidate investigations. The Commission also notes that ALJs may treat related complainants as one entity, just as related respondents are treated as one entity, for purposes of Commission rule 210.28, as amended. ALJs retain the inherent authority to issue ground rules in the absence of a specific rule.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

Lisa R. Barton
Acting Secretary to the Commission

Issued: June 4, 2013