

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

COMMISSION ORDER

On October 29, 2008, the Commission issued notice of the initiation of a pilot program for the mediation of disputes in investigations conducted under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“section 337”). *73 Fed. Reg.* 65615 (November 4, 2008). The Commission also approved a Users’ Manual for the Commission Pilot Mediation Program (“Users’ Manual”). *Id.*

In accordance with Commission rules 201.6, 210.5, 210.34, and 210.39 (19 C.F.R. §§ 201.6, 210.5, 210.34, and 210.39), the Commission hereby **ORDERS THAT --**

1. The parties to an investigation that has been submitted for mediation are permitted to disclose confidential business information covered by a protective order in the investigation to a Mediator, appointed by the Commission pursuant to the pilot mediation program to assist in the settlement of an investigation, who has signed the Commission Non-Disclosure Confidentiality Agreement for Mediators.
2. The parties to an investigation subject to mediation may also designate additional material as confidential business information and provide it to a Mediator solely for the purpose of the mediation process.
3. Upon the conclusion of the mediation, the Mediator shall destroy all confidential business information, including any position papers submitted by the parties and exhibit books, all notes, papers, and all other confidential business information in his or her possession.
4. All confidential business information provided to the Mediator and all communications with the Mediator are subject to the confidentiality provisions of 5 U.S.C. § 574, the terms of the Commission Users’ Manual, and the Commission Non-Disclosure Confidentiality Agreements for Mediators, Parties, and Authorized Representatives.

For the purposes of the pilot mediation program, the Commission hereby invokes the provisions of Commission rule 201.4, 19 C.F.R. § 201.4, to issue this protective order under Commission rule 210.34(a). This order shall serve as a standing protective order under 19 U.S.C. § 1337(n) for all Commission investigations under section 337 submitted for mediation.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: