

delay in the discovery of the breach left CBI publicly exposed for a period of about 15 months.

The Commission issued a private letter of reprimand to the supervisor of the team responsible for the preparation and filing of the exhibits at issue after finding that the attorney's supervision was inadequate and failed to secure the confidential treatment of the CBI in those exhibits. The Commission issued warning letters to 14 attorneys on the team who contributed to the preparation and filing of the exhibits. The Commission also issued a warning letter to one attorney who did not directly participate in the preparation and filing of the exhibits but permitted legal support staff to use, without supervision, the attorney's credentials to file the exhibits.

Case 9. The Commission found that an associate attorney breached the APO issued in a section 337 investigation when the attorney's actions exposed CBI obtained under the APO to the attorney's client.

The breach occurred when the attorney arranged for the client to access firm files stored on an electronic server by a discovery vendor. The attorney instructed the vendor to provide the client with limited access to certain file locations that stored only public files. However, the attorney did not verify that the vendor had followed the attorney's instructions before granting the client access to the firm's files. The vendor mistakenly granted the client unlimited access, and, as a result, the client inadvertently accessed 14 files containing CBI obtained under the APO. In accordance with the predetermined arrangement, the vendor terminated that client's unlimited access one day later. However, the attorney did not discover the breach until about 14 months later. The attorney reported the breach to the Commission a few days after making the discovery.

In determining whether to issue a sanction for the breach, the Commission considered the following mitigating factors: (1) the breach was inadvertent and unintentional; (2) the law firm discovered its own breach; (3) the law firm took prompt action to investigate and remedy the breach; (4) the attorney had not previously breached an APO in the two-year period preceding the date of the breach; and (5) the law firm self-reported its own breach to the Commission. The Commission also considered the following aggravating factors: (1) unauthorized persons had access to and viewed CBI; and (2) the law firm did not discover its own breach until about 14 months after it occurred. However, the Commission noted that

because the client's access to the CBI-containing files was limited to one day, the CBI was not exposed to unauthorized individuals during those 14 months.

The Commission issued a private letter of reprimand to the associate attorney and found that, in the context of this matter, the attorney was obligated to take additional steps to ensure that the client was unable to access the files containing CBI.

Case 10. The Commission determined that an attorney and a paralegal at a law firm breached the APO in a title VII investigation when they publicly filed in EDIS a brief with BPI in recoverable hidden text.

While multiple attorneys reviewed the public version of the brief, the attorney and the paralegal were the only individuals who prepared and reviewed the final .pdf version of the document. Under firm procedures, the paralegal prepared the public version of the document by changing bracketed BPI to white font, converting the document from Microsoft Word to a .pdf file format, and then removing hidden information from the final .pdf file. Following the paralegal's preparation of the final document, the attorney reviewed the .pdf version of the document to ensure that all BPI had been removed from the file. The paralegal then publicly filed the document to EDIS. That same day, while preparing the document for service, another paralegal at the same firm noticed that the document contained BPI in recoverable hidden text. The attorney immediately notified the Commission of the breach and requested that the document be removed from public viewing. However, unauthorized individuals accessed and presumably viewed the brief while it was posted publicly to EDIS.

In determining whether to issue a sanction for the breach, the Commission considered mitigating factors, including that: (1) the breach was inadvertent and unintentional; (2) the law firm discovered its own breach; (3) the law firm took prompt action to remedy the breach and prevent further dissemination of BPI; (4) the law firm immediately self-reported the breach to the Commission; (5) the law firm implemented new procedures to prevent similar breaches in the future; and (6) neither the attorney nor the paralegal had previously breached an APO in the two-year period preceding the date of the breach. The Commission also considered the aggravating factor that unauthorized persons had access to and presumably viewed BPI.

The Commission determined to issue private letters of reprimand to both the attorney and the paralegal. The Commission also considered whether to find in breach other attorneys and legal support staff who reviewed the public version of the brief and approved the bracketing. However, the Commission declined to do so, determining that this breach occurred not because of bracketing issues, but because of a failure to remove properly bracketed BPI from the final .pdf file.

By order of the Commission.

Issued: November 14, 2022.

**Jessica Mullan,**

*Attorney Advisor.*

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## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 731-TA-1064 and 1066-1068 (Third Review)]**

### **Frozen Warmwater Shrimp From China, India, Thailand, and Vietnam; Scheduling of Full Five-Year Reviews**

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 ("the Act") to determine whether revocation of the antidumping duty orders on frozen warmwater shrimp from China, India, Thailand, and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

**DATES:** November 14, 2022.

**FOR FURTHER INFORMATION CONTACT:** Tyler Berard (202-205-3354) or Keysha Martinez (202-205-2136), 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 (<https://www.usitc.gov>). The public record for these reviews may be viewed on the

Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—On August 5, 2022, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews should proceed (87 FR 54260, September 2, 2022); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

**Participation in the reviews and public service list.**—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>.) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested

parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Staff report.**—The prehearing staff report in these reviews will be placed in the nonpublic record on March 20, 2023, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

**Hearing.**—The Commission will hold a hearing in connection with these reviews beginning at 9:30 a.m. on April 11, 2023. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>. Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before March 30, 2023. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chairman, or other person designated to conduct the reviews, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 4, 2023, if held. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than 4 p.m. on April 10, 2023. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

**Written submissions.**—Each party to the reviews may submit a prehearing brief to the Commission. Prehearing

briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is March 29, 2023. Parties also shall file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is April 20, 2023. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before April 20, 2023. On May 18, 2023, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before May 22, 2023, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures*, available on the Commission's website at [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf), elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

**Authority:** These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 15, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

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## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-682 and 731-TA-1592-1593 (Preliminary)]

### Certain Freight Rail Couplers and Parts Thereof From China and Mexico

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of certain freight rail couplers and parts thereof from China and Mexico, provided for in subheadings 8607.30.10 and 7326.90.86 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”) and to be subsidized by the government of China.<sup>2</sup>

#### Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission’s rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission’s rules, upon notice from the U.S. Department of Commerce (“Commerce”) of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right

to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

#### Background

On September 28, 2022, McConway & Torley LLC, Pittsburgh, Pennsylvania, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO, CLC filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of freight rail couplers from China and LTFV imports of freight rail couplers from China and Mexico. Accordingly, effective September 28, 2022, the Commission instituted countervailing duty investigation no. 701-TA-682 and antidumping duty investigation nos. 731-TA-1592-1593 (Preliminary).

Notice of the institution of the Commission’s investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of October 5, 2022 (87 FR 60413). The Commission conducted its conference on October 19, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on November 14, 2022. The views of the Commission are contained in USITC Publication 5387 (November 2022), entitled *Certain Freight Rail Couplers and Parts Thereof: Investigation Nos. 701-TA-682 and 731-TA-1592-1593 (Preliminary)*.

By order of the Commission.

Issued: November 15, 2022.

**Katherine Hiner,**

*Acting Secretary to the Commission.*

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## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 1115]

#### Bulk Manufacturer of Controlled Substances Application: Bulk Manufacturer of Marihuana: Berkshire Roots, Inc.

**AGENCY:** Drug Enforcement Administration, Justice.

**ACTION:** Notice of application.

**SUMMARY:** The Drug Enforcement Administration (DEA) is providing notice of an application it has received from an entity applying to be registered to manufacture in bulk basic class(es) of controlled substances listed in schedule I. DEA intends to evaluate this and other pending applications according to its regulations governing the program of growing marihuana for scientific and medical research under DEA registration.

**DATES:** Registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections to the issuance of the proposed registration on or before January 17, 2023.

**ADDRESSES:** The DEA requires that all comments be submitted electronically through the Federal eRulemaking Portal, which provides the ability to type short comments directly into the comment field on the web page or attach a file for lengthier comments. Please go to <https://www.regulations.gov> and follow the online instructions at that site for submitting comments. Upon submission of your comment, you will receive a Comment Tracking Number. Please be aware that submitted comments are not instantaneously available for public view on <https://www.regulations.gov>. If you have received a Comment Tracking Number, your comment has been successfully submitted and there is no need to resubmit the same comment.

**SUPPLEMENTARY INFORMATION:** The Controlled Substances Act (CSA) prohibits the cultivation and distribution of marihuana except by persons who are registered under the CSA to do so for lawful purposes. In accordance with the purposes specified in 21 CFR 1301.33(a), DEA is providing notice that the entity identified below has applied for registration as a bulk manufacturer of schedule I controlled substances. In response, registered bulk manufacturers of the affected basic class(es), and applicants therefore, may submit electronic comments on or objections of the requested registration, as provided in this notice. This notice

<sup>1</sup> The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> 87 FR 64440 and 87 FR 64444 (October 25, 2022).