of Federal funds within the Dump Creek project. The land will remain open to
discretionary uses.

Salmon National Forest
Boise Meridian
T. 23 N., R. 20 E.,
Secs. 12, 13, and 24.

Beginning at USLM No. 4, Burekas Mining
District, said Monument No. 4 being more
particularly located in the unsurveyed
NW¼¼SE¼¼ Section 24. From point of
beginning, North 43°32’2” East 5061.93 feet
to Corner No. 1, the True Point of Beginning,
said Corner being identical with Corner No.
1 Lemhi Gold Placer, as shown on Moose
Creek Hydraulic Placer Mineral Survey Plat
No. 3057. Thence North 0°01’ East, 4109.7
feet along the west line of Lemhi Gold Placer
to a point at the intersection of line 1-2 of
Rocky Mountain Placer, MS No. 1867, which
point lies North 58°56’ West, 58.1 feet from
Corner No. 1 of MS No. 1867 and said point
being Corner No. 2 of herein described lands;
Thence North 58°56’ West, along line 1-2 of
MS No. 1867 for a distance of 817.35 feet to
Corner No. 3; Thence South 0°01’ East,
4529.24 feet to Corner No. 4; Thence South
8°33’ East, 1877.1 feet to Corner No. 5;
Thence South 89°49’ East, 883 feet to Corner
No. 6, said Corner No. 6 being identical with
Corner No. 4 of Moose Creek Hydraulic
Placer MS 3057; Thence North 8°33’ West,
1877.1 feet along the west line of said Moose
Creek Hydraulic Placer to Corner No. 7 said
Corner No. 7 being identical with Corner No.
5 of MS No. 3057; Thence North 89°49’ West,
183 feet to Corner No. 1, the True Point of
Beginning.
The area described aggregates 107.02 acres
in Lemhi County.

2. The withdrawal made by this order does not alter the applicability of the
general land laws governing the use of National Forest System land under
lease, license, or permit, or governing the disposal of their mineral or
vegetative resources other than under the
mining laws.

3. This withdrawal will expire 20
years from the effective date of this
order unless, as a result of a review
conducted before the expiration date
pursuant to Section 204(f) of the Federal
Land Policy and Management Act of
1976, 43 U.S.C. 1714(f) the Secretary
determines that the withdrawal shall be
extended.

Dated: July 9, 2018.
Joseph R. Balash,
Assistant Secretary, Land and Minerals
Management.

INTERNATIONAL TRADE
COMMISSION

[Investigation Nos. 701–TA–489 and 731–
TA–1201 (Review)]

Drafted Stainless Steel Sinks From
China; Determination

On the basis of the record developed
in the subject five-year reviews, the
United States International Trade
Commission (“Commission”) determines, pursuant to the Tariff Act of
1930 (“the Act”), that revocation of the countervailing and antidumping
duty orders on drawn stainless steel sinks
from China would be likely to lead to
continuation or recurrence of material
injury to an industry in the United
States within a reasonably foreseeable
time.

Background

The Commission, pursuant to section
751(c) of the Act (19 U.S.C. 1675(c)),
institution these reviews on March 1,
2018 (83 FR 8877) and determined on
June 4, 2018 that it would conduct
expedited reviews (83 FR 30193, June
27, 2018).

The Commission made these
determinations pursuant to section
751(c) of the Act (19 U.S.C. 1675(c)). It
completed and filed its determinations
in these reviews on August 14, 2018.
The views of the Commission are
contained in USITC Publication 4810
(August 2018), entitled “Drafted
Stainless Steel Sinks From China;
Investigation Nos. 701–TA–489 and

By order of the Commission.

Lisa Barton,
Secretary to the Commission.

BILLING CODE 7020–02–P

INTERNATIONAL TRADE
COMMISSION

Summary of Commission Practice
Relating to Administrative Protective
Orders

AGENCY: U.S. International Trade
Commission.

ACTION: Summary of Commission practice relating to administrative
protective orders.

SUMMARY: Since February 1991, the U.S.
International Trade Commission (“Commission”) has published in the

Federal Register reports on the status of its
practice with respect to violations of
its administrative protective orders
(“APOs”) under title VII of the Tariff
Act of 1930, in response to a direction
contained in the Conference Report to
the Customs and Trade Act of 1990.

Over time, the Commission has added
to its report discussions of APO breaches in
Commission proceedings other than
under title VII and violations of the
Commission’s rules including the rule
on bracketing business proprietary
information (“BPI”) (the “24-hour rule”). This notice provides a summary of
breach investigations (APOB investigations) completed during

calendar year 2017. This summary
addresses an APO investigation related
to a proceeding under title VII of the
Tariff Act of 1930. The Commission
intends that this report inform
representatives of parties to Commission
proceedings as to some specific types of
APO breaches encountered by the
Commission and the corresponding
types of actions the Commission has
taken.

FOR FURTHER INFORMATION CONTACT:

Bret A. Kopp, Office of the General Counsel, U.S.
International Trade Commission. Telephone (202) 205–3205. Hearing impaired individuals are advised that information
on this matter can be obtained by contacting the
Commission’s TDD terminal at (202) 205–1193. General information
concerning the Commission can also be obtained by accessing its website

SUPPLEMENTARY INFORMATION:
Representatives of parties to
Investigations or other proceedings
conducted under title VII of the Tariff
Act of 1930, section 337 of the Tariff
Act of 1930, the North American Free Trade Agreement (NAFTA) Article 1904.13,
and safeguard-related provisions such as
section 202 of the Trade Act of 1974,
may enter into APOs that permit them,
under strict conditions, to obtain access
to BPI (title VII) and confidential
business information (“CBI”) (safeguard-related provisions and
section 337) of other parties or non-
parties. See, e.g., 19 U.S.C. 1677j; 19
CFR 207.7; 19 U.S.C. 1337(n); 19 CFR
210.5, 210.34; 19 U.S.C. 2252(i); 19 CFR
206.17; 19 U.S.C. 1516a(g)(7)(A); and 19
CFR 207.100, et. seq. The discussion
below describes an APO breach
investigation that the Commission has
done during calendar year 2017,
including a description of actions taken
in response to this breach.

Since 1991, the Commission has
published annually a summary of its
actions in response to violations of

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3 The record is defined in sec. 207.2(d) of the
Commission’s Rules of Practice and Procedure (19
CFR 207.2(d)).
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 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 BPI solely for the
purposes of the above-captioned Commission investigation or for judicial
or binational panel review of such
Commission investigation:
(3) Not consult with any person not
described in paragraph (1) concerning
BPI 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 BPI was obtained;
(4) Whenever materials e.g.,
documents, computer disks, etc.
containing such BPI are not being used,
store such material in a locked file
cabinet, vault, safe, or other suitable
container (N.B.: Storage of BPI on so-
called hard disk computer media is to
be avoided, because mere erasure of
data from such media may not irrecoverably destroy the BPI and may
result in violation of paragraph C of this
APO);
(5) Serve all materials containing BPI
disclosed under this APO as directed by
the Secretary and pursuant to section
207.7(f) of the Commission’s rules;
(6) Transmit each document
containing BPI disclosed under this
APO.
(i) With a cover sheet identifying the
document as containing BPI.
(ii) With all BPI enclosed in brackets
and each page warning that the
document contains BPI.
(iii) If the document is to be filed by
a deadline, such page marked
“Bracketing of BPI not final for one
business day after date of filing.”
and
(iv) if mailed, within two envelopes;
the inner one sealed and marked
“Business Proprietary Information—To
be opened only by [name of recipient],”
and the outer one sealed and not
marked as containing BPI.
(7) Comply with the provision of this
APO and section 207.7 of the
Commission’s rules.
(8) Make true and accurate
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.
The APO form for antidumping and
countervailing duty investigations also
provides for the return or destruction of
the BPI obtained under the APO on the
order of the Secretary, at the conclusion
of the investigation, or at the completion
of Judicial Review. The BPI disclosed to
an authorized applicant under an APO
during the preliminary phase of the
investigation generally may remain in
the applicant’s possession during the
final phase of the investigation.
The APO further provides that breach
of an APO may subject an applicant 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 represents; denial of further access
to business proprietary 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.
APOs in safeguard investigations
contain similar though not identical
provisions.
B. Section 337 Investigations
The APOs in section 337
investigations differ from those in title
VII investigations as there is no set form
and provisions may differ depending on
the investigation and the presiding
administrative law judge. However, in
practice, the provisions are often quite
similar. Any person seeking access to
CBI during a section 337 investigation (including outside counsel for parties to the investigation, secretarial and support personnel assisting such counsel, and technical experts and their staff who are employed for the purposes of the investigation) is required to read the APO, agree to its terms by letter filed with the Secretary of the Commission indicating that he or she agrees to be bound by the terms of the Order, agree not to reveal CBI to anyone other than another person permitted access by the Order, and agree to utilize the CBI solely for the purposes of that investigation.

In general, an APO in a section 337 investigation will define what kind of information is CBI and direct how CBI is to be designated and protected. The APO will state which persons will have access to the CBI and which of those persons must sign onto the APO. The APO will provide instructions on how CBI is to be maintained and protected by labeling documents and filing transcripts under seal. It will provide protections for the suppliers of CBI by notifying them of a Freedom of Information Act request for the CBI and providing a procedure for the supplier to take action to prevent the release of the information. There are provisions for disputing the designation of CBI and a procedure for resolving such disputes. Under the APO, suppliers of CBI are given the opportunity to object to the release of the CBI to a proposed expert. The APO requires a person who discloses CBI, other than in a manner authorized by the APO, to provide all pertinent facts to the supplier of the CBI and to the administrative law judge and to make an effort to prevent further disclosure. The APO requires all parties to the APO to either return to the suppliers or destroy the originals and all copies of the CBI obtained during the investigation.

The Commission’s regulations provide for certain sanctions to be imposed if the APO is violated by a person subject to its restrictions. The names of the persons being investigated for violating an APO are kept confidential unless the sanction imposed is a public letter of reprimand. 19 CFR 210.34(c)(1). The possible sanctions are:

1. An official reprimand by the Commission.
2. Disqualification from or limitation of further participation in a pending investigation.
3. Temporary or permanent disqualification from practicing in any capacity before the Commission pursuant to 19 CFR 201.15(a).
4. Restitution of the facts underlying the violation to the appropriate licensing authority in the jurisdiction in which the individual is licensed to practice.
5. Making adverse inferences and rulings against a party involved in the violation of the APO or such other action that may be appropriate. 19 CFR 210.34(c)(3).

Commission employees are not signatories to the Commission’s APOs and do not obtain access to BPI or CBI through APO procedures. Consequently, they are not subject to the requirements of the APO with respect to the handling of CBI and BPI. However, Commission employees are subject to strict statutory and regulatory constraints concerning BPI and CBI, and face potentially severe penalties for noncompliance. See 18 U.S.C. 1965; title 5, U.S. Code; and Commission personnel policies implementing the statutes. Although the Privacy Act (5 U.S.C. 552a) limits the Commission’s authority to disclose any personnel action against agency employees, this should not lead the public to conclude that no such actions have been taken.

II. Investigations of Alleged APO Breaches

Upon finding evidence of an APO breach or receiving information that there is a reason to believe one has occurred, the Commission Secretary notifies relevant offices in the agency that an APO breach investigation has commenced and that an APO breach investigation file has been opened. Upon receiving notification from the Secretary, the Office of the General Counsel ("OGC") prepares a letter of inquiry to be sent to the possible breacher or the Secretary’s signature to ascertain the facts and obtain the possible breacher’s views on whether a breach has occurred. If, after reviewing the response and other relevant information, the Commission determines that a breach has occurred, the Commission often issues a second letter asking the breacher to address the questions of mitigating circumstances and possible sanctions or other actions. The Commission then determines what action to take in response to the breach. In some cases, the Commission determines that, although a breach has occurred, sanctions are not warranted, and therefore finds it unnecessary to issue a second letter concerning what sanctions might be appropriate. Instead, it issues a warning letter to the individual. A warning letter is not considered to be a sanction. However, a warning letter is considered in a subsequent APO breach investigation.

Sanctions for APO violations serve three basic interests: (a) Preserving the confidentiality of submitter of BPI/CBI that the Commission is a reliable protector of BPI/CBI; (b) disciplining breachers; and (c) deterring future violations. As the Conference Report to the Omnibus Trade and Competitiveness Act of 1988 observed, “[T]he effective enforcement of limited disclosure under an administrative protective order depends in part on the extent to which private parties have confidence that there are effective sanctions against violation.” H.R. Conf. Rep. No. 576, 100th Cong., 1st Sess. 623 (1988).

The Commission has worked to develop consistent jurisprudence, not only in determining whether a breach has occurred, but also in selecting an appropriate response. In determining the appropriate response, the Commission generally considers mitigating factors such as the unintentional nature of the breach, the lack of prior breaches committed by the breaching party, the corrective measures taken by the breaching party, and the promptness with which the breaching party reported the violation to the Commission. The Commission also considers aggravating circumstances, especially whether persons not under the APO actually read the BPI/CBI. The Commission considers whether there have been prior breaches by the same person or persons in other investigations and multiple breaches by the same person or persons in the same investigation.

The Commission’s rules permit an economist or consultant to obtain access to BPI/CBI under the APO in a title VII or safeguard investigation if the economist or consultant is under the direction and control of an attorney under the APO, or if the economist or consultant appears regularly before the Commission and represents an interested party who is a party to the investigation. 19 CFR 207.7(a)(3)(B) and (C); 19 CFR 206.17(a)(3)(B) and (C). Economists and consultants who obtain access to BPI/CBI under the APO under the direction and control of an attorney nonetheless remain individually responsible for complying with the APO. In appropriate circumstances, for example, an economist under the direction and control of an attorney may be held responsible for a breach of the APO by failing to reduct APO information from a document that is subsequently filed with the Commission.
and served as a public document. This is so even though the attorney exercising direction or control over the economist or consultant may also be held responsible for the breach of the APO. In section 337 investigations, technical experts and their staff who are employed for the purposes of the investigation are required to sign onto the APO and agree to comply with its provisions.


The two types of breaches most frequently investigated by the Commission involve the APO’s prohibition on the dissemination of BPI or CBI to unauthorized persons and the APO’s requirement that the materials received under the APO be returned or destroyed and that a certificate be filed indicating which action was taken after the termination of the investigation or any subsequent appeals of the Commission’s determination. The dissemination of BPI/CBI usually occurs as the result of failure to delete BPI/CBI from public versions of documents filed with the Commission or transmission of proprietary versions of documents to unauthorized recipients. Other breaches have included the failure to bracket properly, BPI/CBI in proprietary documents filed with the Commission, the failure to report immediately known violations of an APO, and the failure to adequately supervise non-lawyers in the handling of BPI/CBI.

Occasionally, the Commission conducts APO investigations that involve members of a law firm or consultants working with a firm who were granted access to APO materials by the firm although they were not APO signatories. In many of those cases, the firm and the person using the BPI/CBI mistakenly believed an APO application had been filed for that person. The Commission determined in all of these cases that the person who was a non-signatory, and therefore did not agree to be bound by the APO, could not be found to have breached the APO. Action could be taken against these persons, however, under Commission rule 201.15 (19 CFR 201.15) for good cause shown.

In all cases in which action was taken, the Commission decided that the non-signatory was a person who appeared regularly before the Commission and was aware of the requirements and limitations related to APO access and should have verified his or her APO status before obtaining access to and using the BPI/CBI. The Commission notes that section 201.15 may also be available to issue sanctions to attorneys or agents in different factual circumstances in which they did not technically breach the APO, but when their actions or inactions did not demonstrate diligent care of the APO materials even though they appeared regularly before the Commission and were aware of the importance the Commission placed on the care of APO materials.

Counsel participating in Commission investigations have reported to the Commission potential breaches involving the electronic transmission of public versions of documents. In these cases, the document transmitted appears to be a public document with BPI or CBI omitted from brackets. However, the confidential information is actually retrievable by manipulating codes in software. The Commission has found that the electronic transmission of a public document containing BPI or CBI in a recoverable form was a breach of the APO.

Counsel have been cautioned to be certain that each authorized applicant files within 60 days of the completion of an import injury investigation or at the conclusion of judicial or binational review of the Commission’s determination a certificate that to his or her knowledge and belief all copies of BPI/CBI have been returned or destroyed and all information of such material have been made available to any person to whom disclosure was not specifically authorized. This requirement applies to each attorney, consultant, or expert in a firm who has been granted access to BPI/CBI. One firm-wide certificate is insufficient.

Attorneys who are signatories to the APO representing clients in a section 337 investigation should inform the administrative law judge and the Commission’s secretary if there are any changes to the information that was provided in the application for access to the CBI. This is similar to the requirement to update an applicant’s information in title VII investigations.

In addition, attorneys who are signatories to the APO representing clients in a section 337 investigation should send a notice to the Commission if they stop participating in the investigation or the subsequent appeal of the Commission’s determination. The notice should inform the Commission about the disposition of CBI obtained under the APO that is in their possession and who could be held responsible for any failure of their former firm to return or destroy the CBI in an appropriate manner.

III. Specific APO Breach Investigations

Case 1. The Commission determined that an attorney representing a party in a title VII investigation breached an APO when he failed to adequately supervise an employee who (1) made BPI available to unauthorized persons (both on CDs and on EDIS) and (2) failed to properly label CDs as containing BPI. The attorney, an APO signatory, represented a party in a title VII investigation. The attorney supervised an employee (who was not an APO signatory) in preparing, filing, and serving the public version of a prehearing brief, but did not instruct that employee regarding the format in which the public version of the brief was to be filed and served. The hard copy of the brief had been redacted of BPI. In preparing the electronic version of the public version of the brief, the employee separately prepared the narrative and exhibits portions of the brief and then electronically combined those two portions. The exhibits portion was prepared by manually scanning the redacted hard copy of the exhibits. However, the narrative portion was prepared by using Microsoft Word functionality and then converting the redacted document to a .pdf format, a process that made BPI available in the metadata. After combining the two portions, the employee filed the document on EDIS and also saved the file to CDs, which were not labeled as containing BPI. The CDs were then served on the parties on the Commission’s public service list for the investigation, which included six persons who were not authorized to receive BPI. Thereafter, the attorney was informed by counsel for another party that the public version of the brief contained BPI in the metadata of the electronic version of the document. Personnel at the firm immediately contacted the Commission’s Secretary’s office and each recipient of the public version of the prehearing brief, and asked them to destroy all electronic versions of that document. The brief was available on EDIS for approximately six days before its removal.

The attorney, who is responsible for the employee’s compliance with the APO, breached the APO because, (1) even though the filing and service of the public version of the prehearing brief may not have resulted in the actual disclosure of BPI to unauthorized persons, BPI was made available to unauthorized persons and (2) the CDs that were served on the parties on the
Commission’s public service list were not labeled as containing BPI.

In determining the appropriate action in response to the breach, the Commission considered mitigating factors, including that (1) the breach was unintentional and due to a technical oversight; (2) the attorney had not been found to have breached an APO over the past two years; (3) the attorney took immediate corrective measures upon learning of the disclosure by immediately contacting the Secretary’s Office and the recipients of the brief; and (4) the attorney promptly reported the violation to the Commission. The Commission determined that no aggravating factors were present. The Commission issued a private warning letter to the attorney.

By order of the Commission.

Issued: August 14, 2018.

Lisa Barton,
Secretary to the Commission.

[FR Doc. 2018-17748 Filed 8-17-18; 8:45 am]
BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Fire Protection Association

Notice is hereby given that, on July 31, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), National Fire Protection Association ("NFPA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing additions or changes to its standards development activities. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, NFPA has provided an updated and current list of its standards development activities, related technical committee and conformity assessment activities. Information concerning NFPA regulations, technical committees, current standards, standards development and conformity assessment activities are publicly available at nfp.org.

On September 20, 2004, NFPA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on October 21, 2004 (69 FR 61889).

The last notification was filed with the Department on May 8, 2018. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on May 25, 2018 (83 FR 24348).

Suzanne Morris
Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018-17749 Filed 8-17-18; 8:45 am]
BILLING CODE 4410-11-P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Spectrum Consortium

Notice is hereby given that, on August 3, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 et seq. ("the Act"), National Spectrum Consortium ("NSC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act’s provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Numerati Partners, LLC, New York, NY; Avionics Test & Analysis Corporation, Niceville, FL; George Mason University, Fairfax, VA; Science Applications International Corporation (SAIC), Reston, VA; Southern Research, Birmingham, AL; Parsons Government Services Inc., Pasadena, CA; Dell Federal Systems, L.P.; Round Rock, TX; Sentar, Inc., Huntsville, AL; SCI Technology, Inc., Huntsville, AL; Pacific Star Communications, Inc., Portland, OR; COMINT Consulting LLC, Golden, CO; C61 Services Corp., Chesterfield, NJ; Comtech EF Data, Tempe, AZ; Vision Engineering Solutions, Inc., Merritt Island, FL; Vision Engineering Solutions, Inc., Merritt Island, FL; Comtech Mobile Datacom Corporation, Germantown, MD; and EFW, Inc., Fort Worth, TX, have been added as parties to this venture.

Also, Fibertek, Inc., Herndon, VA; and University of Nevada, Reno, VA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NSC intends to file additional written notifications disclosing all changes in membership.

On May 24, 2014, NSC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on November 4, 2014 (72 FR 65424).

The last notification was filed with the Department on May 14, 2018. A notice was published in the Federal Register pursuant to Section 6(b) of the Act on June 19, 2018 (83 FR 28449).

Suzanne Morris,
Chief, Premerger and Division Statistics Unit, Antitrust Division.

[FR Doc. 2018-17790 Filed 8-17-18; 8:45 am]
BILLING CODE 4410-11-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Houston Maintenance Clinic; Decision and Order

On September 30, 2016, Administrative Law Judge Charles Wm. Dorman (hereinafter, ALJ) issued Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (hereinafter, R.D.). Only Houston Maintenance Clinic (hereinafter, Respondent) filed exceptions (hereinafter, Resp. Exceptions), and its filing was timely. Having reviewed the entire record, including Resp. Exceptions, and modified the ALJ’s R.D., I adopt the modified R.D. and find that none of Resp. Exceptions has merit.

Respondent’s First Exception

Respondent’s first exception states that R.D. “Finding of Fact 40 should be amended to include the first sentence in . . . [Respondent’s owner’s] letter, GE-27, that states as follows: ‘The facility has kept a systematic ongoing accurate daily dispensing record as required by title 21 C.F.R. 1304.03.’” Resp. Exceptions, at 1. The support Respondent provided for this exception is that, “The daily dosing records . . . are required and these were kept without disruption.” Id.

First, R.D. Finding of Fact 30, citing GE-27, already states that, “Around the time of the [2006] inspection . . . [Respondent] kept ongoing, systematic daily dispensing records” [footnote omitted]. Thus, much of the content of the sentence that Respondent’s first exception proposes is already found in Finding of Fact 30. Only the assertions that Respondent “has kept . . .

Finding of Fact 40 and, presumably, Respondent’s first exception concern the 2006 inspection.