

does not make a procedural regulation a substantive one." Moreover, as noted above, the procedural regulations of the Tariff Commission are published in the Federal Register and elsewhere.

(d) The Tariff Commission issues no statements which it considers statements of general policy or interpretations formulated and adopted for the guidance of the public with the possible exception of its rules of procedure which are published in the Federal Register.

(e) The Tariff Commission does not formulate "rules" addressed to and served upon named persons.

3. It is the opinion of the Tariff Commission that it does not in any of its functions perform the agency process of "adjudication."

4. This question, which concerns agency forbearance from publishing interim and final opinions or orders where, in the opinion of the agency, good cause requires they be held confidential, does not apply to the Tariff Commission because it does not "adjudicate."

5. Unpublished opinions and orders are not cited or used as precedents in other proceedings by the Tariff Commission.

6. In accordance with its Rules of Practice and Procedure, published in the Code of Federal Regulations and the Federal Register, the Tariff Commission provides the following information and reports (except confidential business data as defined below) for inspection by persons concerned, on request to the Secretary of the Commission, either in the Washington office or in the New York City office of the Commission: (1) Applications, petitions, and other formal documents filed with the Commission, (2) notices to the public concerning Commission matters, (3) transcripts of testimony taken and exhibits submitted at hearings, (4) reports to the President, to either or both Houses of Congress, or to committees of Congress, release of which has been authorized by the President or the legislative body concerned, (5) reports and other documents issued for general distribution.

7. Reports to the President, to either or both Houses of Congress, or to committees of Congress, the release of which has not been authorized by the President, the legislative body or the committee concerned, and confidential business data are not available to the public. Confidential business data consist of any information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association, the disclosure of which is not authorized by law or by the party furnishing such information. The Commission may refuse to accept in confidence any information which it determines is not entitled to confidential treatment. In the event of such refusal, the person submitting such information will be notified thereof with a statement of the reasons and (if the information was submitted voluntarily) will be permitted to withdraw its tender.

8. Private parties dealing with the Tariff Commission are under no circumstances required in any manner to resort to organization or procedure not published in the Federal Register.

9. As the only "rules" within the meaning of the Administrative Procedure Act published by the Tariff Commission are those relating to its procedure, the Commission has not refrained from publishing rules where there is involved any function of the United States requiring secrecy in the public interest.

10. The Tariff Commission has formulated no "rules" involving matters relating solely to internal agency management.

11. Those matters which the Tariff Commission considers to be "of official record" and thus made available in accordance with published rule to persons properly concerned are set out in answer No. 6. This published listing constitutes the Commission's interpretation of "matters of official record."

The Tariff Commission publishes to the extent permissible the results of all investigations. Notices of hearings to be held are published in all cases in the Federal Register. A number of Commission reports, determinations, findings, and recommendations are required by law to be submitted in confidence to the President and the Congress. In such cases publicity is given to the reports, determinations, findings, or recommendations only to the extent authorized by the President or the Congress. In all other cases, publication is made in the Federal Register, Treasury Decisions, and press releases. On occasion only a summary of the Commission's determination, or only the majority's opinion, is published in the Federal Register, because the Federal Register Act is understood to authorize no more.