

UNITED STATES TARIFF COMMISSION

INVESTIGATIONS UNDER SECTION 336
OF THE TARIFF ACT OF 1930

Outcome or Current Status of Applications
Filed with the United States Tariff Commission
Under the Provisions of Section 336 of the
Tariff Act of 1930 Between January 1, 1946,
And August 1, 1963



Fifth Edition
TC Publication 105

Washington
August 1963

UNITED STATES TARIFF COMMISSION

Ben Dorfman, *Chairman*

Joseph E. Talbot

Walter R. Schreiber

Glenn W. Sutton

James W. Culliton

Donn N. Bent, *Secretary*

Address all communications to
United States Tariff Commission
Washington, D.C. 20436

INTRODUCTION

This compilation summarizes information on the outcome or current status of all applications that the U.S. Tariff Commission has received under the provisions of section 336 of the Tariff Act of 1930 since January 1, 1946. ^{1/} The applications are listed in the order in which they were received.

Section 336 of the Tariff Act of 1930 ^{2/}--the so-called flexible-tariff provision--sets forth the procedure under which the import duty on an article may be changed by proclamation of the President, after investigation and report by the Tariff Commission of the difference between the costs of production of the article in the United States and in the principal competing foreign country. The President may increase or decrease a duty, in accordance with the Commission's findings, but such increase or decrease may not exceed 50 percent of the duty specified in the Tariff Act of 1930. The Trade Agreements Act made the provisions of section 336 inapplicable to any commodity on which a tariff concession is in effect pursuant to a trade agreement. As the United States has progressively extended the coverage of trade-agreement concessions, it has reduced correspondingly the scope of possible action under the provisions of section 336.

^{1/} From 1930 through 1941 the Commission received numerous applications, and ordered 116 investigations, under the provisions of sec. 336. Those applications and investigations, however, are outside the scope of this compilation. From 1942 through 1945 the Commission received no applications under the provisions of sec. 336.

^{2/} 46 Stat. 590.

Outcome or current status of applications filed with the United States
Tariff Commission under the provisions of section 336 of the Tariff
Act of 1930, Jan. 1, 1946-Aug. 1, 1963

Commodity ^{1/}	Status
<p>Test or container boards of a bursting strength above 60 pounds per square inch (par. 1413) (1946).</p>	<p><u>Applicant:</u> Dixie Container Corp., Richmond, Va. <u>Application received:</u> Sept. 18, 1946. <u>Nature of request:</u> Decrease in duty. <u>Application denied and dismissed after preliminary inquiry:</u> Dec. 2, 1946.</p>
<p>Dental burs (first application) (par. 359) (1947).</p>	<p><u>Applicants:</u> S. S. White Dental Manu- facturing Co., Philadelphia, Pa.; Ransom & Randolph Co., Toledo, Ohio; and Lee S. Smith & Son Manufacturing Co., Pittsburgh, Pa. <u>Application received:</u> Dec. 19, 1946. <u>Nature of request:</u> Increase in duty. <u>Application denied and dismissed after preliminary inquiry:</u> Sept. 8, 1947.</p>
<p>Almonds, shelled; almonds, blanched, roasted, or otherwise prepared or preserved; and almonds, not shelled (par. 756) (1949).</p>	<p><u>Applicant:</u> California Almond Growers Exchange, Sacramento, Calif. <u>Application received:</u> July 8, 1948. <u>Nature of request:</u> Increase in duty. <u>Investigation instituted:</u> Sept. 16, 1948. <u>Hearing held:</u> Dec. 3, 1948. <u>Investigation completed:</u> Nov. 10, 1949. <u>Conclusion of the Commission:</u> The Commission (Commissioners Brossard and Gregg dissenting) concluded that a finding as to the difference in cost of production of almonds in the United States and in Italy could not be made because it was impracticable to obtain foreign production costs and because the invoice values of imports in this case could not be taken as evidence of the foreign cost of producing almonds. <u>Action of the President:</u> The President approved the Commission's report. <u>Reference:</u> U.S. Tariff Commission, Almonds, Not-Shelled, Shelled, and Blanched: Report to the President on the Investigation Under the Pro- visions of Section 336 . . . , Rept. No. 167, 2d ser., 1950.</p>

^{1/} Applications are listed in the order of their receipt. The year shown in parentheses is the year that the Commission completed, or was due to complete, its action on the particular application.

Commodity	Status
<p>Lemons and lemon oil (pars. 743 and 58) (1949).</p>	<p><u>Applicants:</u> California Fruit Growers Exchange (now Sunkist Growers), Los Angeles, Calif.; Exchange Lemon Products Co., Corona, Calif.; Mutual Orange Distributors, Redlands, Calif.; American Fruit Growers, Los Angeles, Calif.; Independent Citrus Growers & Shippers Association, Los Angeles, Calif.; and Southern California Citrus Foods, Redlands, Calif.</p> <p><u>Application received:</u> Nov. 26, 1948.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> Mar. 18, 1949.</p>
<p>Wooden umbrella handles (par. 1554) (1949).</p>	<p><u>Applicant:</u> Gus Schlesinger Co., Newark, N.J.</p> <p><u>Application received:</u> Dec. 13, 1948.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> Mar. 22, 1949.</p>
<p>Filberts, not shelled (first application) (par. 757) (1949).</p>	<p><u>Applicant:</u> Northwest Nut Growers, Dundee, Oreg.</p> <p><u>Application received:</u> Jan. 24, 1949.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> Apr. 8, 1949.</p>
<p>Olive oil, in all size containers (par. 53) (1949).</p>	<p><u>Applicant:</u> Olive Advisory Board, San Francisco, Calif.</p> <p><u>Application received:</u> Mar. 15, 1949.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> May 4, 1949. (Commissioner Brossard dissented).</p>

Commodity	Status
<p>Dental burs (second application) (par. 359) (1950).</p>	<p><u>Applicants:</u> American Dental Trade Association, Washington, D.C., on behalf of S. S. White Dental Manufacturing Co., Philadelphia, Pa.; Ransom & Randolph Co., Toledo, Ohio; and Lee S. Smith & Son Manufacturing Co., Pittsburgh, Pa.</p> <p><u>Application received:</u> June 3, 1949.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> Jan. 13, 1950.</p>
<p>Filberts, not shelled (second application) (par. 757) (1950).</p>	<p><u>Applicant:</u> Northwest Nut Growers, Dundee, Oreg.</p> <p><u>Application received:</u> Sept. 2, 1949.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> May 4, 1950.</p> <p><u>Remarks:</u> The Commission dismissed the application because a concession on filberts, not shelled, was included in the Ancey agreement. The Trade Agreement Act made the provisions of sec. 336 inapplicable to any commodity on which a tariff concession is in effect pursuant to a trade agreement.</p>
<p>Grape wines, containing more than 14 percent of alcohol by volume (par. 804) (1950).</p>	<p><u>Applicant:</u> National Association of Alcoholic Beverage Importers, Inc., Washington, D.C.</p> <p><u>Application received:</u> June 30, 1950.</p> <p><u>Nature of request:</u> Decrease in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> Sept. 15, 1950.</p>

Commodity	Status
<p>Lead-bearing materials, lead, and lead scrap (pars. 391 and 392) (1951).</p>	<p><u>Applicant:</u> Emergency Lead Committee, New York, N.Y. <u>Application received:</u> Feb. 16, 1951. <u>Nature of request:</u> Increase in duty. <u>Application denied and dismissed:</u> May 29, 1951. <u>Remarks:</u> The United States had granted tariff concessions on these articles in the 1943 trade agreement with Mexico. With the termination of the Mexican agreement on Jan. 1, 1951, the rates of duty on lead had reverted to those pro- vided for by the Tariff Act of 1930, and had become eligible for change by action under sec. 336. After the filing of the application, which looked toward a further increase in the duties, the United States at the Torquay Conference reduced the duties on these articles to the levels that had prevailed under the trade agreement with Mexico. The results of the Torquay negotiations were announced on May 8, 1951. Inasmuch as trade- agreement rates of duty cannot be changed by action under the provisions of sec. 336, the Commission dismissed the application.</p>
<p>Household china table and kitchen articles (par. 212) (1951).</p>	<p><u>Applicant:</u> Vitrified China Association, Inc., Washington, D.C. <u>Application received:</u> June 18, 1951. <u>Nature of request:</u> Increase in duty. <u>Application denied and dismissed after</u> <u>preliminary inquiry:</u> Oct. 23, 1951 (Commissioners Brossard and Gregg dissented).</p>

Commodity	Status
<p>Household china table- ware, kitchenware, and table and kitchen utensils (par. 212) (1954).</p>	<p><u>Origin of investigation:</u> Senate Reso- lution 253, 82d Congress, dated May 12, 1952. <u>Investigation instituted:</u> May 15, 1952. <u>Hearing held:</u> Dec. 15-17, 1953. <u>Investigation completed:</u> June 24, 1954. <u>Finding of the Commission:</u> The Commission found (Commissioners Brossard and Talbot dissenting) that there was no basis for recommending adjustment of the rates of duty then applicable to the imports of the commodities covered by the investi- gation. <u>Action of the President:</u> On July 2, 1954, the President authorized the Commission to release its report. <u>Reference:</u> U.S. Tariff Commission, <u>Household China Tableware: Report to the President on the Investigation Under the Provisions of Section 336 . . . , 1954 (processed).</u></p>
<p>Knit or crocheted cotton gloves and mittens (par. 917) (1955).</p>	<p><u>Applicant:</u> American Knit Handwear Associ- ation, Inc., Gloversville, N.Y. <u>Application received:</u> May 7, 1954. <u>Nature of request:</u> Increase in duty. <u>Application denied and dismissed after preliminary inquiry:</u> Feb. 1, 1955. <u>Remarks:</u> The articles in question were on the published list of articles pro- posed for consideration in the United States trade-agreement negotiations with Japan and other countries.</p>

Commodity	Status
<p>Cork insulation (par. 1511) (1955).</p>	<p><u>Applicants:</u> Cork Institute of America, New York, N.Y., representing the Armstrong Cork Co., Lancaster, Pa.; the Mundet Cork Corp., North Bergen, N.J.; the National Cork Co., Englewood, N.J.; and the United Cork Companies, Kearny, N.J.</p> <p><u>Application received:</u> Aug. 2, 1954.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Investigation instituted:</u> Jan. 24, 1955.</p> <p><u>Hearing scheduled:</u> Apr. 5, 1955; rescheduled for June 1, 1955.</p> <p><u>Application discontinued and dismissed and hearing canceled:</u> May 12, 1955.</p> <p><u>Remarks:</u> The Commission took this action after considering representations made by the applicants and other pertinent factors.</p>
<p>Photographic shutters (par. 1551) (1955).</p>	<p><u>Applicant:</u> Wollensak Optical Co., Rochester, N.Y.</p> <p><u>Application received:</u> Feb. 14, 1955.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> Mar. 29, 1955.</p>
<p>Camera shutters and parts thereof (par. 1551) (1956).</p>	<p><u>Applicants:</u> Wollensak Optical Co. and Photograph & Precision Optical Workers' Union Local No. 24659, both of Rochester, N.Y.</p> <p><u>Application received:</u> June 20, 1955.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Application denied and dismissed after preliminary inquiry:</u> Jan. 4, 1956.</p>

Commodity	Status
<p>Tungsten ores and concentrates (par. 302(c)) (1958).</p>	<p><u>Origin of investigation:</u> Senate Resolution 195, 85th Congress, dated Aug. 28, 1957.</p> <p><u>Investigation instituted:</u> Aug. 30, 1957.</p> <p><u>Hearing held:</u> None.</p> <p><u>Investigation discontinued and dismissed:</u> Feb. 28, 1958.</p> <p><u>Remarks:</u> The Commission concluded that, because of the highly abnormal and extraordinary developments that had affected the tungsten industries of all free world countries after 1950, it was impossible at that time to obtain information on either foreign or domestic production costs that would be representative of normal operations as required by the statute. Accordingly, the Commission discontinued and dismissed the investigation.</p> <p><u>Reference:</u> U.S. Tariff Commission, <u>Tungsten Ores and Concentrates: Report to the President on Investigation No. 120 Under Section 336 . . .</u>, 1958 (processed).</p>

Commodity	Status
<p>Brooms made of broom corn (par. 1506) (1962). (Investigation No. 336-121)</p>	<p><u>Applicant:</u> National Broom Manufacturers and Allied Industries Association, Arcola, Ill.</p> <p><u>Application received:</u> June 30, 1960.</p> <p><u>Nature of request:</u> Increase in duty.</p> <p><u>Preliminary inquiry ordered:</u> July 6, 1960.</p> <p><u>Investigation ordered:</u> Jan. 16, 1961.</p> <p><u>Hearing held:</u> Apr. 18, 1961.</p> <p><u>Investigation completed:</u> Jan. 17, 1962.</p> <p><u>Findings of the Commission:</u> The Commission found that the rate of duty of 25 percent ad valorem (based on foreign export value) did not equalize the differences in costs of production, including transportation and other delivery charges to the principal markets in the United States, of domestic brooms made of broomcorn and the like or similar foreign articles produced in the principal competing country. The Commission also found that in order to equalize such differences in costs of production to the fullest extent permissible under sec. 336, it was necessary that the rate of duty of 25 percent ad valorem be applied to brooms made of broomcorn on the basis of the American selling price as defined in section 402(e) of the Tariff Act of 1930, as amended.</p> <p><u>Action of the President:</u> The President concluded that the Commission's report did not show need for the duty on brooms made of broomcorn to be applied on the basis of the "American selling price."</p> <p><u>Reference:</u> U.S. Tariff Commission, <u>Brooms Made of Broomcorn, Investigation No. 336-121, Report to the President . . . Pursuant to the Provisions of Section 336 . . .</u>, TC Publication 49, 1962 (processed).</p>