POST OFFICE DEPARTMENT

[39 CFR Part 134]

THIRD CLASS; MAILING OF MERCHANDISE SAMPLES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of amendments to regulations codified in 39 CFR § 134.4. Regulations in this section require the use of detached label procedure in the mailing of merchandise samples (39 F.R. 255, 34 F.R. 6072, 34 F.R. 9125). The major changes in the following proposed regulations are: (1) new § 134.4(d) (v) requires packages of address cards to be marked in bold type “Address Card”; (2) new § 134.4(d) (v) has been added to require cartons containing the samples to be marked in bold type with the word “Samples”; (3) new § 134.4(d) (6) has been added to limit mailings of cards and samples to entry at the same Post Office and at the same time, except where the cards are mailed separately at the third- or fourth-class rates; and (4) § 134.4(d) (9) has been added for clarification.

Interested persons who desire to do so may submit written data, views, and arguments concerning the proposed regulations to the Director, Office of Mail Classification, Bureau of Finance and Administration, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the Federal Register.

PART 134—THIRD CLASS

In § 134.4 Preparation—payment of postage, amend paragraph (d) to read as follows:

§ 134.4 Preparation—payment of postage.

(v) Merchandise samples—(1) Description. When an article given away for the purpose of advertising an article of merchandise which it represents, in whole or in part, is mailed at bulk third-class rates for general distribution on city delivery routes in a mailing piece which exceeds 5 inches in width (height) or one-fourth inch in thickness, or which has nonuniformity in thickness, the mailer must comply with the preparation requirements contained in subparagraphs (2) through (9) of this paragraph.

(2) Address cards. The address may not be placed on the sample, but must be placed on a separate card which will be delivered with the sample. Exception: If a mailer uses a simplified address as defined in § 134.4(a)(4) of this chapter, it must appear on the sample, and a detached card may not be used. The card must bear:

(i) The address.

(ii) A return address.

(iii) The wording, “This card was prepared for use in delivering the accompanying postage paid sample.”

(iv) A picture of the product or identifying symbols to associate it with the accompanying sample.

(2) Size, color coding, and advertising. The following conditions apply to the cards:

(i) The card shall measure approximately (plus or minus one-fourth inch) 3 1/4 inches by 7 1/2 inches and must be not less than 0.006 of an inch in thickness.

(ii) The card should be color coded with the sample package, using at least one identifying color.

(iii) Any advertising or other printed addition on the card will require payment of separate third-class postage for the card.

(3) Preparation of address cards for mailing. The cards must be presented, counted, and sorted postage is Zip Code delivery area. More cards than samples may be shipped in anticipation of some cards being undeliverable as addressed. Each package of address cards shall bear a label showing:

(i) The post office of delivery and five-digit Zip Code delivery area.

(ii) The brand name of the merchandise sample.

(iii) The number of cards in the package.

(iv) Instructions to open and distribute with matching samples.

(v) The words “Address Card” in bold type.

(6) Containers. The samples must be placed in outer cartons. Each outer carton shall bear a label showing:

(i) The post office of delivery and five-digit Zip Code delivery area.

(ii) The brand name of merchandise sample.

(iii) The number of samples in the outer carton.

(iv) Instructions to open and distribute with matching cards.

(v) The word “Samples” in bold type.

(6) Place and time of mailing. Cards and samples must be entered in the mail at the same Post Office and at the same time. Each package of address cards must be securely attached to one of the cartons containing samples destined for the same five-digit Zip Code delivery area. Postage will be calculated at bulk third-class rates for address cards and samples combined. Exception: The address cards may be mailed separately up to 6 days prior to the date of mailing the samples, provided postage is computed and paid at the third- or fourth-class rates, according to weight, on each separately addressed package of cards. When the cards are mailed separately under this exception, postage at the bulk third-class rates will be computed and charged only on the cards.

(7) Postage. The postage must be pre-paid by one of the methods prescribed by subparagraph (2) of this paragraph and must be printed on or affixed to the sample container. No postage will be shown on the address card except when advertising or other printed addition is placed thereon and separate postage is required.

(8) Mailing periods. Mailers should avoid mailing during the peak mailing periods which are:

(i) The last week of November and throughout the month of December.

(ii) From the first to the fifth and from the 26th to the end of each month.

(9) Forwarding and return. Samples may not be forwarded to another post office when they are undeliverable as addressed. Endorsements guaranteeing forwarding postage must not be used on the cards or on the samples. See § 158.2(d) (1) of this chapter for instructions as to the return of undeliverable samples to the sender.

* * * * *

Note: The corresponding Postal Manual section is 134.4.


DAVID A. NELSON,
General Counsel.

[F.R. Doc. 70–1190; Filed, Aug. 24, 1970; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Notice of Proposed Rule Making

The Endangered Species Conservation Act of 1969 directs the Secretary to publish in the Federal Register a list of the species of native fish and wildlife found to be threatened with extinction (16 U.S.C. 668a(a)(c)). This list is distinct from the list authorized by the Act regarding endangered species of foreign fish and wildlife (16 U.S.C. 668cc-3(a)). The latter list was published in 35 F.R. 8491 as part of the new regulations which implement the Act.

Previously, the Secretary’s list of native fish and wildlife has been published in 34 F.R. 5034, simply as a notice. However, new regulations which implement the Act and which appear in 36 F.R. 8491 and will be codified in Title 50 as a new Part 17, contain a section requiring any person who exports any fish or wildlife on the Secretary’s list of endangered
PROPOSED RULE MAKING

Native fish and wildlife to first obtain an export permit from the Department of the Interior (50 CFR 17.8). Because of the effect of this new regulation, the Department has concluded that the publication of the Secretary's list of endangered native wildlife should be codified, and should be subject to the required rule making procedures of 5 U.S.C. 553.

Therefore, it is proposed to amend Part 17 of Title 50 by adding a new Appendix D thereto. This Appendix D will contain the United States' List of Endangered Native Fish and Wildlife.

The list as proposed below contains the following additions to the list as previously published:

**Mammals**
- Hawaiian Hoary bat—Lasiurus cinereus annotus.
- Morro Bay kangaroo rat—Dipodomys merriami morroensis.
- Salt marsh harvest mouse—Reithrodonotomys raviventris.

**Birds**
- Brown pelican—Pelecanus occidentalis.
- California clapper rail—Rallus longirostris obsolatus.
- Hawaiian goose (nene)—Branta sandvicensis.
- Yuma clapper rail—Rallus longirostris yumanensis.
- Devil's Hole pupfish—Cyprinodon nigricaudus.

**Fish**
- Bend gambusia—Gambusia nobolis.

*Interested persons may submit written comments, suggestions, or objections with respect to this proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the Federal Register.*

Part 17, Chapter 1, Subchapter B of Title 50 of the Code of Federal Regulations is proposed to be amended by adding a new Appendix D reading as follows:

**Appendix D**

**United States List of Endangered Native Fish and Wildlife**

**Mammals**
- Hawaiian Hoary bat—Lasiurus cinereus annotus.
- Indiana bat—Myotis sodalis.
- Utah prairie dog—Cynomys parvidens.
- Delmarva Peninsula fox squirrel—Sciurus niger cinereus.
- Morro Bay kangaroo rat—Dipodomys merriami morroensis.
- Salt marsh harvest mouse—Reithrodonotomys raviventris.

**Birds**
- Hawaiian dark-red duck—Aythya ferina.
- Hawaiian house finch—Carpodacus cayennensis.
- HawaiianHoary bat—Lasiurus cinereus annotus.
- Hawaiian goose (nene)—Branta sandvicensis.
- Yuma clapper rail—Rallus longirostris yumanensis.

**Concerning the approval of the expenses and rate of assessment, hereafter set fourth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 986, both as amended (7 CFR Part 966).**