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Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

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Rules and Regulations

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER A–I—POST OFFICE SERVICES (DOMESTIC)

SUBCHAPTER U—PROCEDURES

DOMESTIC REGULATIONS AND PROCEDURES

Republication

In view of the numerous amendments made to the Regulations in Subchapters A–I and the Rules of Procedure in Subchapter U of Chapter I, Title 39, Code of Federal Regulations, the Department deems it necessary to issue a consolidated republication of these regulations and rules which will facilitate their use and understanding. All amendments which have been published in the FEDERAL REGISTER through December 1, 1961, and which are currently effective, have been incorporated into this publication.

This publication does not reflect any substantive changes which have not already appeared in the FEDERAL REGISTER; however, numerous editorial amendments were made to clarify and bring up to date the language of these regulations and to improve the organization of the regulations.

In addition, the authority citations for these regulations and rules were revised and based on the recodification of Title 39, United States Code, enacted on September 2, 1960 (Public Law 86–682).

Accordingly, Subchapters A through I, and Subchapter U, as so amended, read as follows:

SUBCHAPTERS A–I—POST OFFICE SERVICES, DOMESTIC

SUBCHAPTER A—INTRODUCTION

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1 What Subchapters A–I cover.
2 Domestic mail service.
3 Mail treated in confidence.
4 Information on postal matters.
5 Complaints.
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Subchapters A–I—Post Office Services, Domestic

SUBCHAPTER A—INTRODUCTION

PART 1—WHAT SUBCHAPTERS A–I COVER

§ 1.1 What Subchapters A–I cover.

Subchapters A–I contain the regulations of the Post Office Department which are intended to assist the users of its domestic services in obtaining the maximum benefits from its personnel and facilities. Thus, these subchapters include the specified rates for stamps and postage and the restrictions governing their use, the particulars distinguishing the various classes of mails and the conditions entitling the public to the privileges of those classes, the requirements for proper wrapping and mailing of matter to be mailed, an explanation of the collection and delivery services of the Department, details of the special mail and nonmail facilities of the Department and the provisions for the transportation of the mail. Notwithstanding any statement contained in these subchapters the burden rests with the mailer to assure that he has complied with the laws enacted by Congress.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

PART 2—DOMESTIC MAIL SERVICE

§ 2.1 Domestic mail service.

Domestic mail means mail transmitted within, among and between the United States; its Territories and possessions; Army-Air Force (APO) and Navy (FPO) post offices; also mail for delivery to the United Nations, N.Y. The term "Territories and possessions" includes Baker Island, Canal Zone, Canton Island, Caroline Islands, Enderbury Island, Guam, Howland Island, Jarvis Island, Johnston Island, Kingman Reef, Manua Island, Mariana Islands, Marshall Islands, Midway Islands, Navassa Island, Puerto Rico, Saint Croix Island, Saint John Island, Saint Thomas Island, Samoa (American), Sand Island, Swain's Island, Swan Islands, Trust Territory of the Pacific, Virgin Islands (U.S.), and Wake Island.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

PART 3—MAIL TREATED IN CONFIDENCE

§ 3.1 Mail treated in confidence

Sealed first-class mail while in the custody of the Post Office Department is accorded absolute secrecy. No persons in the Postal Service, except those employed for that purpose in dead-mail offices, may break or permit the breaking of the seal of any matter mailed as first-class mail without a legal warrant, even though it may contain criminal or otherwise unmailable matter, or furnish evidence of the commission of a crime.

(R.S. 161, as amended, sec. 1, 62 Stat. 782; 5 U.S.C. 22, 18 U.S.C. 1717, 39 U.S.C. 501)

PART 4—INFORMATION ON POSTAL MATTERS

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4.1 Inquiries.
4.2 General postal publications.
4.3 Privileged matter.
4.4 Available records.

AUTHORITY: §§ 4.1 to 4.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 508, 5212.

§ 4.1 Inquiries.

Inquiries in regard to mail should be made to your postmaster.

§ 4.2 General postal publications.

The following postal publications may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

Title	Price
Postal Manual—	
Chapters 1 and 2	$4.00. *$1.00.
Chapters 1 through 8	$8.00.
Chapter 1, Post Office Services (Domestic), and Chapter 2, International Mail, explain the services available, prescribe rates and fees, and prescribe conditions under which postal services are available to the public. Chapters 3 through 8 contain internal operating procedures of the Post Office Department and generally are not needed by other than postal employees.	
Postal Bulletin	$2.25 a year. *$2.50.
Issued weekly to transmit timely or transitional instructions and information relating to the Postal Service, including philatelic, airmail, money order, parcel post, etc. The Postal Bulletin will be retained by postal installations for 6 months only. Any permanent instructions published in the Postal Bulletin will be reissued in the Postal Manual or in other permanent form.	
Postal Service News	$1.00 a year. *$0.50.
Issued monthly. Provides medium for keeping personnel informed of postal problems, programs, and progress, and for the exchange of ideas and experiences which contribute to the efficient operation of the Service.	
Commemorative Stamp Posters	$1.50 a year. *$0.50.
8 x 10½ inch posters provide advance notification on commemorative stamps. Show enlarged illustrations of stamps and other data of interest to stamp collectors.	
Cost Ascertainment Report 1959	$0.70.
A report stating the results of the work of ascertaining the revenues derived from and the costs of handling and transporting each of the several classes of mail matter, and of performing the special services, with the physical volumes of each class and services for the fiscal year 1959.	
1960 Annual Report of the Postmaster General	$0.65.
Presents an overall picture of the activities of the Department for fiscal year 1960. Following a brief financial summary, this report gives details on such topics as operations and services; research and engineering; transportation policies and methods; financial and related services; facilities and equipment; public relations; the inspection service; and other functions of the Post Office Department. Includes a comprehensive appendix containing numerous tables of statistical data on the Postal Service.	
Opinions of the Solicitor of the Post Office Department—	
Vol. 8 (June 26, 1929 to Feb. 4, 1936)	$3.00.
Vol. 9 (Feb. 5, 1936 to Nov. 1951)	$3.00.
Volumes 8 and 9 contain official opinions of the Solicitor of the Post Office Department for the periods indicated.	
How to Pack and Wrap Parcels for Mailing (excerpt from Chapter 1, Postal Manual)	(1)
Domestic Postage Rates and Fees (excerpt from Chapter 1, Postal Manual)	(1)
Receipts and Classes of Post Offices	$1.00.
Lists all post offices alphabetically by States and gives their receipts and their class and the salary level of the postmaster.	
First-class Post Offices With Named Stations and Branches	$0.35.
Lists all first-class post offices, with branches and named stations arranged alphabetically by States. Includes post office unit numbers. Prepared for use in mailing parcel post under readjusted size and weight limits.	
Postage Stamps of the United States 1847–1959	$1.00.
Lists all issues of stamps from the first adhesive stamp, issued in 1847, through Dr. Ephraim McDowell "Famous American" stamp, issued December 3, 1959. Contains an illustration of each stamp and gives detailed information on each stamp and miscellaneous historical information on stamps.	
Postal Laws	(2)
A compilation of laws affecting the Post Office Department. Contains all of title 39 of the U.S. Code, as well as pertinent parts of titles 5, 6, 16, 18, 28, 31, 38, and 41.	
Combination Mailings (excerpt from Chapter 1, Postal Manual)	(1)
United States Domestic Postage Rates, 1789–1958	$0.45.
Traces development of postal rates through the many steps that led to the rate structure in effect September 1, 1956. Contains short histories of, and tables of rates and fees for, first-, second-, third-, fourth-class mail rates and special services (registration, domestic money orders, postal savings, special delivery, special handling, COD, insured mail, and certified mail). Contains abstracts of laws passed between 1789 and 1955 fixing rates of postage on domestic mail matter and abstracts of laws relating to the franking, penalty, and free mailing privileges. Information on postage stamps is not included.	
Mailing Chute Rules, Regulations and Specifications (excerpt from Chapter 1, Postal Manual)	(1)
Apartment House Mail Receptacles, Regulations and Specifications (excerpts from Chapter 1, Postal Manual)	(1)
County List of Post Offices	$0.60.
Lists all post offices alphabetically by Counties within States, the number of rural mail boxes served from various post offices within each county in the United States, the number of boxes at those post offices that do not have city carrier service, and other pertinent information.	
How to Prepare Second- and Third-Class Mailings (excerpt from Chapter 1, Postal Manual)	(1)
The Post Office as a Public Service (statement by Post Office Department)	$0.60.
A reply of the Post Office Department to the February 26, 1957, Report of the Citizens' Advisory Council to the Senate Committee on Post Office and Civil Service.	
How to Address Mail (excerpt from Ch. 1, Postal Manual)	(1)
Directory of International Mail—	
With binder	$7.00. *$1.50.
Without binder	$4.50. *$1.25.
Contains detailed information about postage rates, services available, prohibitions, import restrictions, and other conditions governing mail to other countries. Countries are listed alphabetically, with the specific requirments applicable to mail addressed to each of them.	
Directory of Post Offices	$2.25.
Contains a list of postal delivery zone offices, an alphabetical list of post offices, a list of post offices arranged alphabetically by States, a list of post offices by counties, and a list of Army and Air Force installations.	

See footnotes at end of table.

[1] Available at post offices for distribution to patrons free of charge.
[2] Varies with each issue.
* Additional for foreign mailing.

§ 4.3 Privileged matter.

The following records, documents, and information are privileged matter, and may not be disclosed by subordinate officers or employees of the Department without authorization:

(a) Reports of Postal Inspectors.

(b) Records of the Postal Inspection Service.

(c) Names of post office box holders.

(d) Names and addresses of post office patrons and former patrons, except when correcting mailing lists or when furnishing change of address to election boards or registration commissions provided in § 13.5 of this chapter.

(e) Records regarding mail matter.

(f) Records regarding postal savings accounts, except as provided in § 63.3(c) of this chapter.

(g) Records regarding money orders.

§ 4.4 Available records.

(a) *Formal hearing records.* You may inspect formal records of proceedings in which a hearing has been held or offered if you have a proper interest in them.

(b) *Conditions.* You may inspect all other records of the Department or field service if permitted to do so by the head of a Bureau or Office in the Post Office Department. In making such determinations, the following items will be taken into consideration:

(1) The interest of the person requesting permission to make the inspection.

(2) Whether disclosure of the information contained in the records will violate the privacy of mail matter.

(3) Whether the release of the record will jeopardize future Government access to information.

(4) Whether the release of the record at the time is premature and will improperly affect a pending action.

(5) Whether the disclosure of the record will have the effect of hindering free administrative decisions in the same or similar matters in the future.

(6) Whether the purpose for which the record is sought is prejudicial to the public interest.

(7) Whether the record is already otherwise made public, such as reports of public hearings and conferences, recorded maps, plats and documents, records published for the information of the public, and material of a similar public nature.

(c) *Transfer of records.* All records of the Post Office Department and its field service are the property of the Department. Postmasters and other employees are not authorized to turn over such records to other persons without authorization from the head of a Bureau or Office of the Post Office Department.

(d) *Compliance with subpenas duces tecum.* Postmasters and postal employees will comply with a proper subpena duces tecum issued by a court of record only after consulting with and getting approval of the General Counsel of the Post Office Department. When employees are authorized to comply with subpenas duces tecum, they will not leave the records themselves with the court but will leave copies prepared for that purpose.

(e) *Compliance with summons.* (1) A postmaster or other postal employee will comply with a summons requiring his

appearance in court. He will not testify as to names and addresses of post office patrons, mail matter, postal savings accounts, or money orders unless he is specifically directed to do so by the court after first calling attention of the court to this regulation.

(2) Postal inspectors and other employees having possession of inspectors' reports or Inspection Service records are prohibited from presenting such reports, records, or information in a State court or for the use of parties to a suit or habeas corpus proceedings in a Federal court, if the United States is not a party in interest. They will inform the parties interested that the regulations of the Post Office Department prohibit them from furnishing official reports, records, or information direct unless authorized by the Department. Should an attorney for a private litigant attempt to compel an employee to disclose sources of official information or similar privileged matter, the employee will decline to produce the information or matter and state that it is privileged and can not be disclosed without specific approval from the Department.

(3) When appearing as a witness for the United States in Federal grand jury proceedings, criminal prosecutions of violations of postal laws, suits brought by the United States, or other actions in which the United States is a party in interest, postal inspectors and other officers and employees will testify as to their knowledge of the facts in the matter involved. With respect to privileged matters, each case must be given individual consideration as it arises. The Department will offer every possible assistance to the courts, but the question of disclosing privileged information is a matter entirely in the discretion of the head of the Department.

(f) *Costs.* The head of any Bureau or Office of the Post Office Department may authorize copies of records which are open to public inspection to be furnished to members of the public at the cost of the person requesting them.

Postal Inspector in Charge at—	*If you live in the State of—*
Atlanta 2, Ga	Florida, Georgia, North Carolina, South Carolina, Puerto Rico, Virgin Islands.
Boston 7, Mass	Connecticut, Maine, Massachusetts, New Hampshire, City of Fishers Island, New York, Rhode Island, Vermont.
Chattanooga 1, Tenn	Alabama, Mississippi, Tennessee.
Chicago 7, Ill	Illinois, Michigan, Wisconsin.
Cincinnati 1, Ohio	Indiana, Kentucky, Ohio.
Denver 1, Colo	Arizona, Colorado, New Mexico, Utah, Wyoming.
Fort Worth 1, Tex	Louisiana, Texas (except city of Texarkana).
Kansas City 42, Mo	Kansas, County of Jackson, Mo., Nebraska, Oklahoma.
New York 1, N. Y	New York, except city of Fishers Island.
Philadelphia 1, Pa	New Jersey, Pennsylvania, Delaware.
St. Louis 1, Mo	Arkansas, Iowa, Missouri (except Jackson County), also city of Texarkana, Texas.
Saint Paul 1, Minn	Minnesota, North Dakota, South Dakota.
San Francisco 1, Calif	California, Canton Island, Guam, Hawaii Territory, Nevada, American Samoa, and Trust Territory, Pacific Islands.
Seattle 11, Wash	Alaska Territory, Idaho, Montana, Oregon, Washington.
Washington 13, D. C	District of Columbia, Maryland, Virginia, West Virginia.

PART 6—FRACTIONS

§ 6.1 Fractions.

In the sale of postage, and the computation of rates, fees, and other charges, any fraction of a stated basic unit is treated as a whole unit, by the following rules:

(a) *Money.* If the stated basic unit is 1 cent, fractions of a cent are treated as a whole cent; if the basic unit is 1½ cents, fractions of 1½ cents are treated as 1½ cents; etc. In the settlement of cash balances payable to the post office, the next highest even-cent amount must be paid. The rule on fractions does not apply to dollars.

(b) *Weight.* Fractions of the stated unit are treated as a whole unit, thus: 3 cents an ounce means 3 cents an ounce or fraction of an ounce; 2 cents each 2 ounces means 2 cents for each 2 ounces or fraction of 2 ounces; 2 cents each half-pound means 2 cents for each half-pound or fraction of a half-pound.

(c) *Length.* Fractions of any stated unit of length—inches, feet, miles, etc.—are treated as a whole unit.

(d) *Time.* Fractions of the stated unit—hours, days, months, quarters, years, etc.—are treated as a whole unit, except that in the computation of box rent the rent after the beginning of a quarter is determined in the manner prescribed by § 41.3(d) of this chapter.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

PART 9—SEAL

Sec.
9.1 Purpose.
9.2 Authority.
9.3 Description.
9.4 Custody.

AUTHORITY: §§ 9.1 to 9.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 303, 501.

§ 9.1 Purpose.

The purpose of this part is to describe and give official notice of the seal of the Post Office Department.

§ 9.2 Authority.

The illustration and description of the seal of the Post Office Department contained in this document is identical to the illustration and description of the seal of the Post Office Department which has been filed in the office of the Secretary of State pursuant to section 303 of Title 39, United States Code.

§ 9.3 Description.

Seal: A horse in full speed, equipped, in fesse, sinister, with mounted horseman and mail saddle bag. In base, a plane of turf, all surrounded by an outer band bearing between two stars the words "Post Office Department" in upper portion and "United States of America" in lower portion, the lettering concentric with inner and outer fillet band rims, all encircled with rope band.

§ 9.4 Custody.

The seal shall remain in the custody of the Postmaster General, or such officer or employee of the Department as he designates and shall be affixed to all certificates and attestations that may be required from the Department.

PART 5—COMPLAINTS

Sec.
5.1 Postal service.
5.2 Postal law violations.

AUTHORITY: §§ 5.1 and 5.2 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501.

§ 5.1 Postal service.

You may make complaints concerning the Postal Service to your postmaster. If you prefer, you may address your complaint to the Postmaster General, Washington 25, D.C. In either case if the complaint concerns apparent mishandling of mail, the envelope or wrapper should be submitted.

§ 5.2 Postal law violations.

Send information and complaints concerning postal law violations, such as use of mails for lotteries and schemes to defraud, mailing of obscene and scurrilous matters, extortion, and theft of mail to:

SUBCHAPTER B—HOW TO WRAP AND MAIL

PART 11—PACKAGES

Sec.
11.1 Adequacy of packaging standards.
11.2 Cartons and boxes.
11.3 Internal protection.
11.4 Outside wrapping (closure).
11.5 Marking on packages.

AUTHORITY: §§ 11.1 to 11.5 issued under R.S. 161, as amended, sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 18 U.S.C. 1716, 39 U.S.C. 501, 4058.

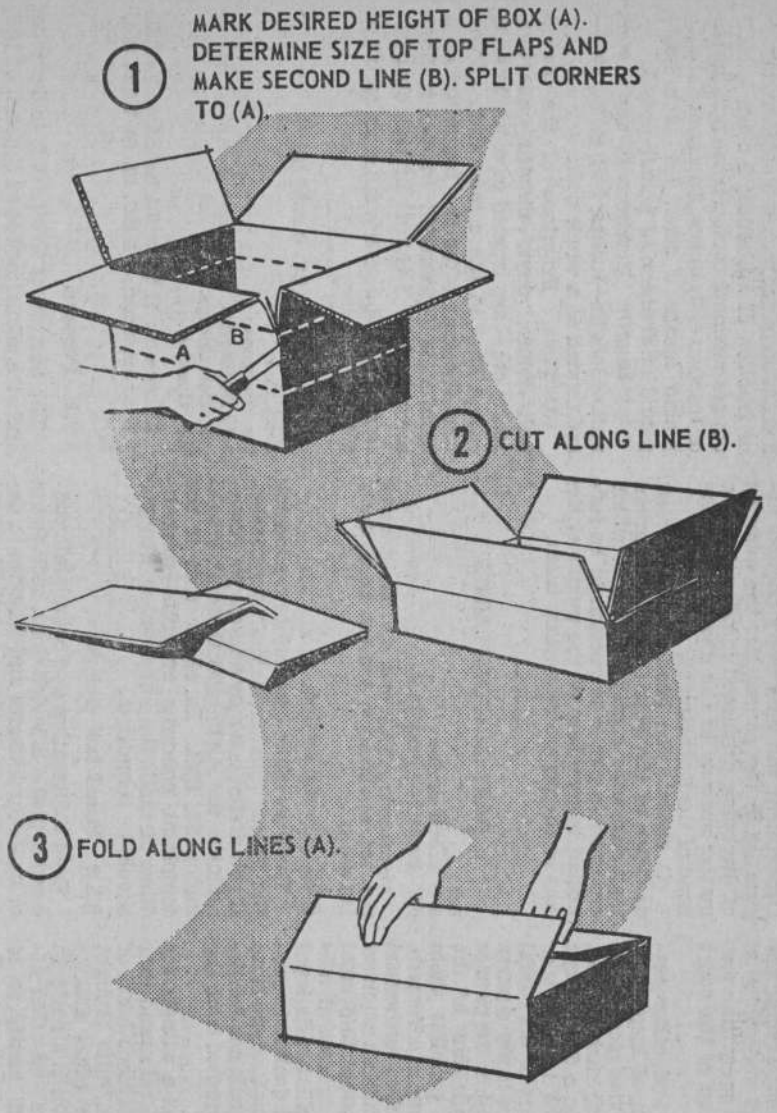
§ 11.1 Adequacy of packaging standards.

This part contains standards and methods for packaging and wrapping of parcels. Certain types of items are excluded from the mail unless packaged so as to assure safe transit. For such special packaging regulations, see Part 15 of this chapter. For special conditions governing parcels sent to military post offices overseas, see Part 17 of this chapter.

§ 11.2 Cartons and boxes.

(a) *Types of shipping containers.* Shipping containers must be strong enough to retain and protect their contents from the weight of other mail. Boxes or cartons of the following materials are commonly used: Corrugated or solid fiberboard, kraftboard, chipboard (for small items), fiber mailing tubes with metal ends, metal, and wood. Heavy wrapping paper or burlap or similar cloth may be used for parcels containing unbreakable goods which would not be damaged by the weight of other mail. The strength of carton required will depend on the weight, size, and nature of the article shipped as well as the distance it is to go. Parcels addressed to distant zones receive more handling and therefore require stronger containers than parcels addressed to nearby points.

(b) *Size of container.* The outer shipping container should be the proper size to hold the goods shipped with enough space for cushioning material



inside. If the container is too large, the contents are apt to shift while in transit. If it is too small, or if too much is put into it, there will not be enough room for protective internal cushioning. An overstuffed carton may burst in transit.

(c) *Chipboard boxes.* Small rigid telescoping chipboard boxes are usually used for small articles such as watches, jewelry, pens, etc.

(d) *Used containers.* A used container as described in paragraph (a) of this section in good rigid condition with all flaps intact is acceptable. If a box of the desired size cannot be found, a larger one may be cut down as shown in the following illustration. Bend the four sides over the articles which have been cushioned in the box.

§ 11.3 Internal protection.

(a) *Purpose of cushioning.* (1) If a single item is shipped, sufficient cushioning material should surround the item so that it will be protected from outside impact against the carton in which it is shipped.

(2) If two or more items are shipped in the same carton or box, the cushioning should protect the items from damaging one another, in addition to protecting against outside impact. Each item should be separately wrapped so that no damage will result regardless of the position of the package inside a mail sack.

(b) *Cushioning materials.* (1) Excelsior, flexible corrugated fiberboard, or felt are commonly used to cushion heavy articles. Cellulose materials, cotton, clothing, shredded paper, or tissue paper are used for lighter items. The amount of cushioning needed will depend on size and nature of items mailed.

(2) About 2 inches of cushioning material should be evenly and firmly placed on all sides of the fragile item.

(3) Heavy and lightweight items should not be packed together in the same compartment. Heavy items should be packed so that they will remain in a fixed position.

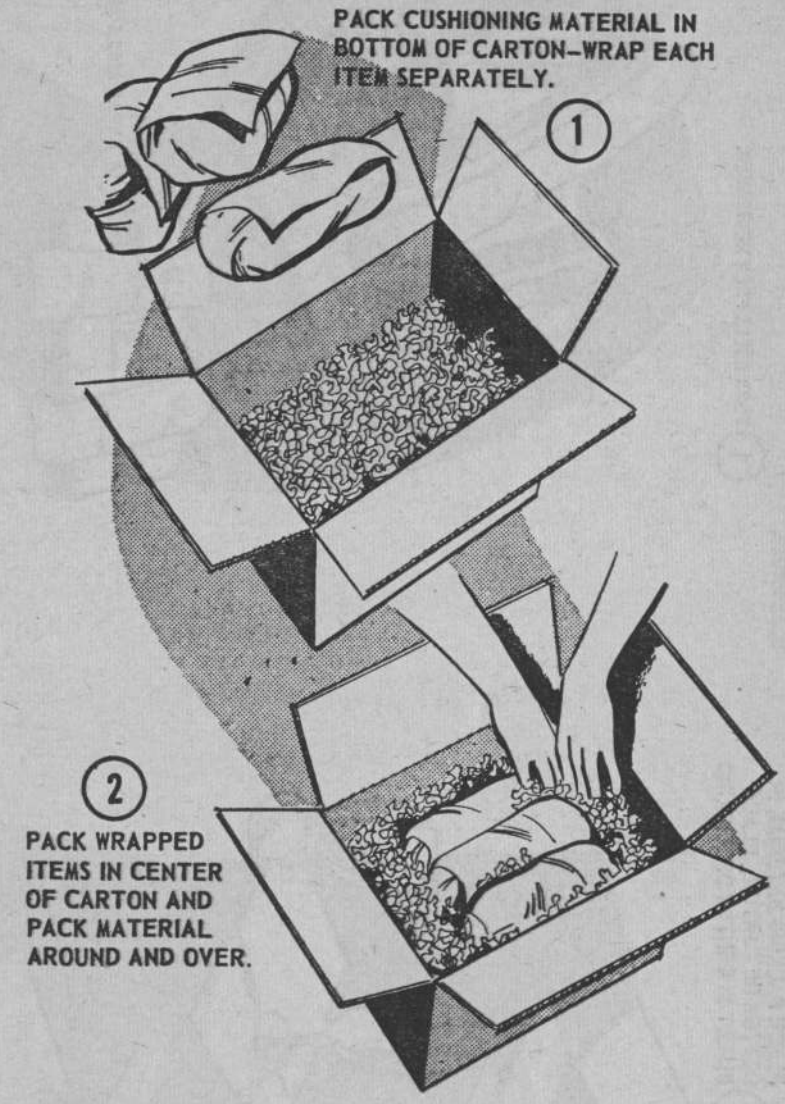
(c) *Fragile articles.* (1) The pieces must be individually cushioned.

(2) If shredded paper or excelsior is used, at least 2 inches of either should be placed on all four sides of the box and on top and bottom. Each piece must be properly spaced and cushioned to avoid strain or damage to other pieces. About one-half of an inch cushioning between flat pieces will be adequate.

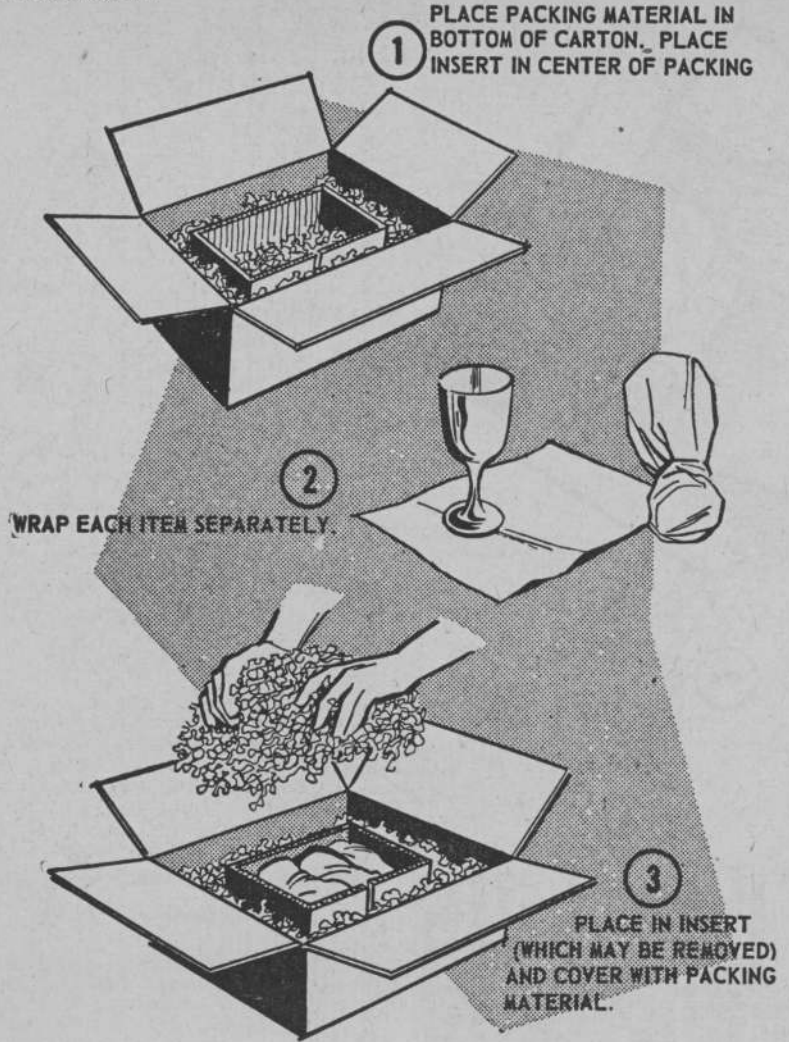
(3) Breakage of one item when packed with soft cushioning material may result in general loosening of other articles in the carton with further damage. If corrugated interior packing, such as tray, pads, partitions, compartments, etc., are used, they must be arranged so that individual items do not touch the wall of the shipping carton or each other. Flexible packing pads between each item of the same size may be used in nesting.

(4) The weight of upper compartments should be borne by corrugated packing and not by articles in lower compartments.

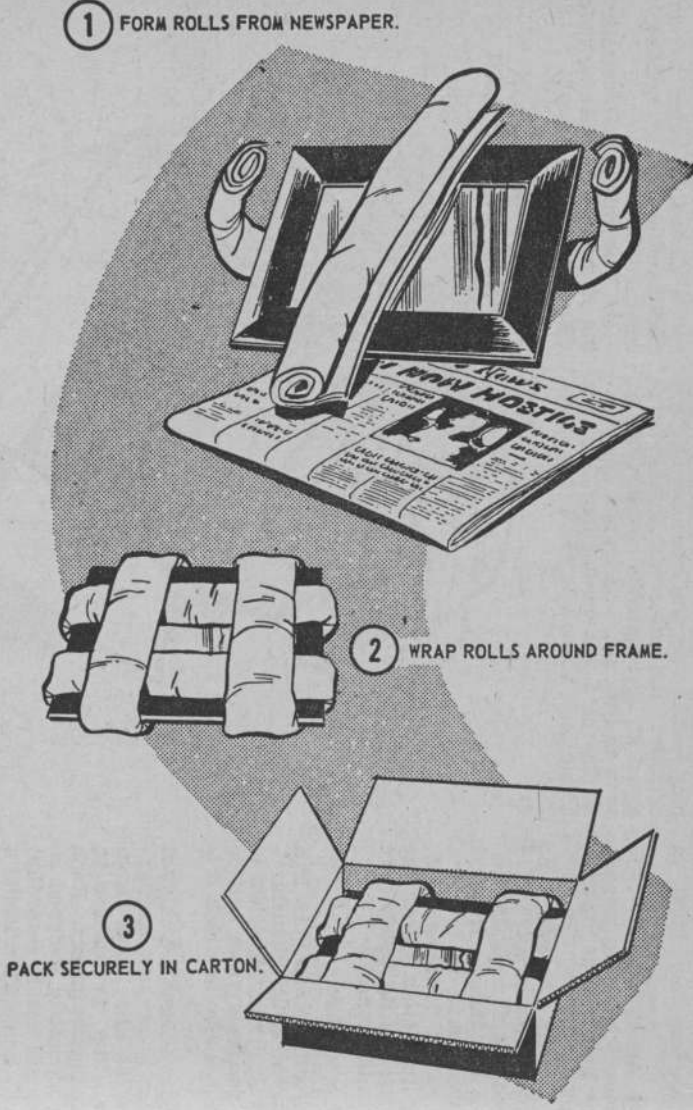
(5) The following illustrations show the manner of cushioning several odd shaped items in a parcel.



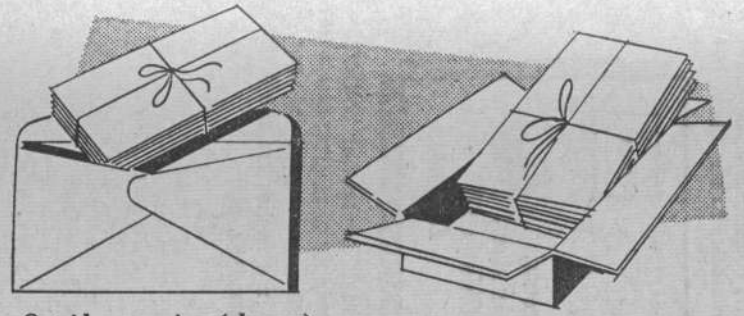
(d) *Stemware.* These pieces may be very fragile and in case of faulty manufacture they may be damaged by temperature or climatic changes. Proper packing is illustrated below:



(e) *Framed pictures.* These items should be cushioned on both sides and packed in a strong shipping carton. The following illustration shows one way of packing a framed picture. The newspaper is folded to form rolls which are placed around the picture.



(f) Loose papers or pamphlets. Loose papers or pamphlets in small quantities should be securely tied as illustrated below before being enveloped or wrapped. Large quantities also should be securely tied as illustrated below before being placed in a box or other substantial container.



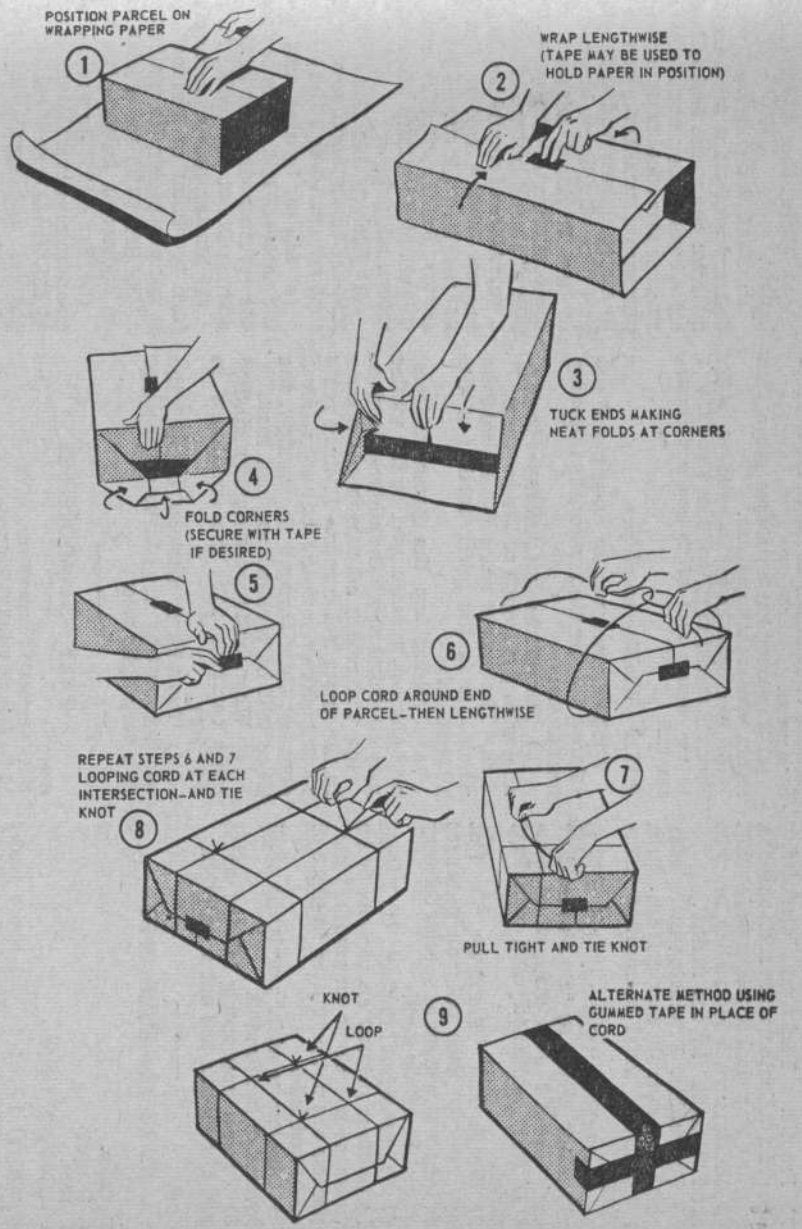
§ 11.4 Outside wrapping (closure).

(a) Small telescoping chipboard boxes may have metal clasps which fold over and hold the two parts of the box together. Further reinforcement is not required.

(b) Dry, nonfragile materials may be wrapped in heavy paper and tied with twine. Thin paper bags are not acceptable.

(c) Articles which are self-contained may be mailed without outside packaging or wrapping. The Post Office Department will not be responsible, however, if the surface or finish of the article becomes marred or damaged.

(d) Fiberboard cartons may be wrapped and tied with strong twine or rope as shown in the following illustration. This affords the greatest protection to contents. A fiberboard carton in good condition need not be wrapped. The following illustrations show two methods of preparing parcels for mailing. Parcels may be securely taped if desired.



§ 11.5 Marking on packages.

(a) *Fragile.* Packages containing articles of a delicate nature such as glass, chinaware, electrical appliances, jewelry, musical instruments and radios, must be marked "Fragile" by the mailer.

(b) *Perishable.* Products which decay quickly, such as fresh meats, fresh fruits, and vegetables, must be marked "Perishable".

(c) *Conditional labeling.* (1) Words like "Do Not Bend" or "Do Not Fold or Crush" may be used only when content is fully protected with stiffening material.

(2) Words like "Rush" or "Do Not Delay" may be used only on packages intended for shipment as special delivery or special handling mail.

(d) *Unauthorized labeling.* (1) Labels and markings printed on cartons or on wrappers of parcels or on gummed tape on parcels are not permitted in place of any required label.

(2) Obsolete markings or labels shall be covered or obliterated.

(3) Parcels improperly labeled as to nature of contents are not acceptable.

PART 12—ENVELOPES

Sec.
12.1 Color.
12.2 Quality.
12.3 Size.
12.4 Window envelopes.

AUTHORITY: §§ 12.1 to 12.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2510.

§ 12.1 Color.

Use any light color that does not interfere with legible address and postmark. Brilliant colors should not be used.

§ 12.2 Quality.

Use paper strong enough to withstand normal handling. Highly glazed paper, or paper with an overall design, is not satisfactory for showing the address and necessary postal endorsements.

§ 12.3 Size.

Envelopes of standard size are more easily and quickly handled. Envelopes less than 2¾ by 4 inches, or larger than 9 by 12 inches, are not recommended.

NOTE: Effective January 1, 1963, this section will read:

§ 12.3 Size, shape, and ratio.

Envelopes of standard sizes and shapes are essential to the economical handling of mail, both by machine and manual methods. The following standards apply to envelopes:

(a) Envelopes less than 3 inches in width (height) or 4½ inches in length are nonmailable.

(b) Envelopes more than 9 inches in width (height) or 12 inches in length are not recommended.

(c) Envelopes having shapes other than rectangular are nonmailable.

(d) Envelopes having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

§ 12.4 Window envelopes.

Window envelopes, or open panel envelopes, may be used under the following conditions:

(a) The address window must be parallel with the length of the envelope.

(b) The proper place for the address window is in the lower portion of the address side.

(c) Nothing but the name, address, and any key number used by the mailer may appear through the address window.

(d) The return address should appear in the upper left corner. If there is no return address and the delivery address does not show through the window, the piece will be handled as dead mail.

(e) When used for registered mail they must conform with the conditions in § 51.5(c).

(f) The address disclosed through the window must be on white paper or paper of a very light color.

PART 13—ADDRESSES

Sec.
13.1 General information.
13.2 Arrangement of address.
13.3 Where to put handling instructions.
13.4 Simplified address.
13.5 Mailing list services.
13.6 Delivery zones.
13.7 Second-class publications.
13.8 Overseas military mail.

AUTHORITY: §§ 13.1 to 13.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4365, 4453, 4555.

§ 13.1 General information.

(a) Write the address clearly and legibly.

(b) Mail for delivery through a city delivery post office must include in the address; the street and number, or post office box number, or general delivery, or rural or star route designation. Mail for patrons on rural route may be addressed to street names and numbers provided this type of address has been approved by the Regional Director. The rural route number or the words "Rural Delivery" should be used in such addresses.

(c) All mail should bear the name and address of the sender. See §§ 16.2(f), 25.5(a)(1), 26.6(a), 47.7(b), 48.3, 48.4(a)(2), 51.5(a), 52.1(b) and 53.1(b) of this chapter for mail which must show a return address.

(d) Include the postal delivery zone number on mail addressed to cities using that system. See § 13.6(d).

(e) Matter bearing dual addresses or the names of more than one post office in the return address or in the recipient's address is not acceptable for mailing.

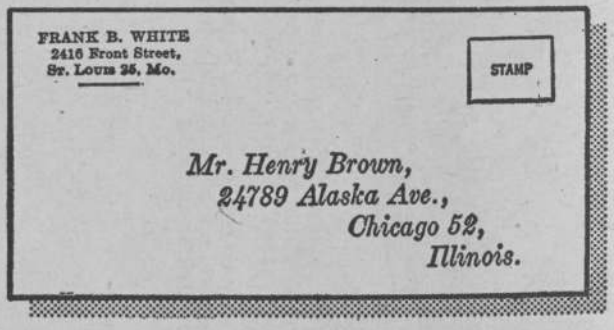
(f) Matter bearing instructions to return to "Point of Mailing" (postmark) is not acceptable for mailing.

(g) See § 13.7 for special instructions on addressing second-class mail.

(h) See § 13.8 for special instructions on addressing overseas military mail; and §§ 111.1(b)(2) and 121.2(d)(1) of this chapter for addressing international mail.

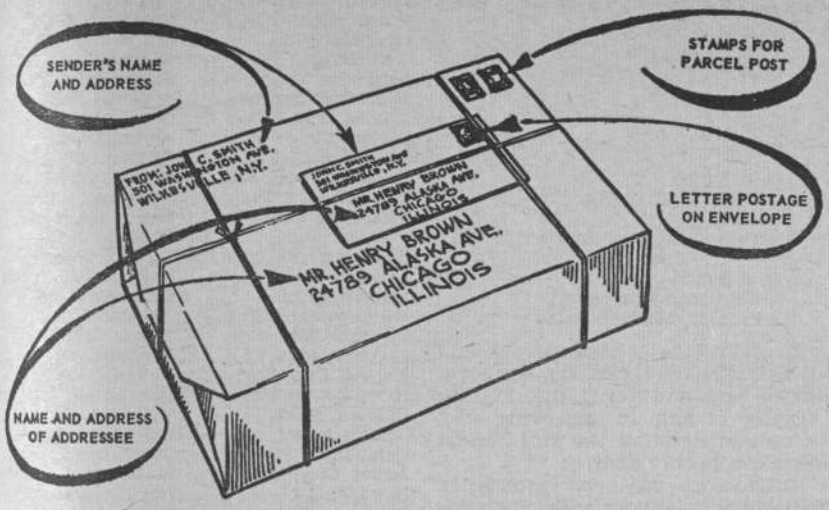
§ 13.2 Arrangement of address.

(a) The proper place for the address is in the lower right portion of the address side; the postage (stamps or meter stamps or permit imprints) in the upper right corner; and the return address of the sender in the upper left corner.



(b) Leave at least 3½ inches of clear space, from top to bottom, at the right end of the address side of envelopes, folders, or labels. This space will be used for address, postage, postmark, and other prescribed endorsements such as airmail or special delivery. On large envelopes or mailing pieces leave a clear rectangular space of not less than 2¾ x 4 inches for the address, stamps, postmarks, etc.

(c) Illustration of how to fix a first-class letter on a parcel:



See § 29.3 of this chapter, for instructions concerning method of enclosing letters in parcels.

§ 13.3 Where to put handling instructions.

(a) *Pledge to pay return or forwarding postage (or both).* Below the return address of the sender. (Only on second-, third- and fourth-class matter.)

(b) *Form 3547 requested (notice of new address).* Place request in lower left corner and return address in upper left corner. (Only on third- and fourth-class matter.)

§ 13.4 Simplified address.

(a) *Style.* When general distribution of mail is desired for each box holder on a rural or star route, or for each family on a rural route, at any post office or for all post office boxholders at a post office which does not have city or village carrier service, you may use a simplified address provided each piece is addressed in the appropriate following style:

(1) Rural or Star-Route Boxholder.

(2) Rural Route Boxholder (one for each family).

(3) Post Office Boxholder.

(4) Postal Patron. (This style may be used instead of styles mentioned in subparagraph (1), (2), or (3) of this paragraph.)

(b) *Post office address.* Any of the styles shown in paragraph (a) of this section must be followed by the name of the post office and state or by the word "Local".

(c) *Preparation requirements.* (1) You must tie all pieces for the same post office, so far as practicable, in packages of 50 and attach a facing slip showing the distribution desired, such as: rural route, post office boxholder, and the like. If the pieces are put up in quantities other than 50 for each separation, the number of pieces must be shown on the facing slip.

(2) If selective distribution is desired, a sufficient number of pieces must be presented to cover the route or routes selected and the route numbers must be shown on the facing slips.

(3) Postage at the proper rate must be fully prepaid by a method that does not require cancellation: By permit imprints, second-class imprints, meter stamps, or by means of precanceled stamps, precanceled stamped envelopes, or precanceled postal cards.

(4) Designations such as "Farmer," "Food Buyer," "Voter," and the like, are not permitted.

(d) *Number of patrons.* Upon request, postmasters will furnish without charge the number of patrons served, as follows:

(1) Number of post office boxholder patrons (only at post offices which do not have city or village carrier service).

(2) Route numbers, and number of boxholders on each rural and star route.

(3) Route numbers, and number of families on each rural route. Pieces received at a delivery office in excess of the number of the type designated to receive the mail will be treated as provided in § 48.2 (d) of this chapter.

(e) *"Occupant" mail.* To address mail to a specific street number without addressing the occupant by name, or to a post office box without addressing the boxholder by name, the following style may be used:

Postal Patron (or Occupant, Householder, Resident, etc.)

(Street and Number, Including Apartment Number, if Any or Post Office Box Number)

(Post Office and State, or Local, and Zone Number When Applicable)

§ 13.5 Mailing list services.

(a) *Correction of mailing lists*—(1) *Service available.* Mailing lists submitted by departments of State governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business by mail will be corrected as frequently as requested, at the expense of the owners of the lists. For lists received from Federal agencies and Members of Congress, see paragraph (d) of this section. Postal employees must not compile mailing lists including occupant lists.

(b) *Name and address lists*—(1) *Method of submission.* Typewritten or printed lists should be submitted to the post office that serves the addresses, on cards, one name and address to a card. Cards should be approximately the size and quality of a postal card. The owner of the list must place his name in the upper left corner of each card. At third- and fourth-class post offices, mailing lists may be submitted in sheet form. Lists should be submitted by mail only, except large lists presented by local firms for correction.

(2) *Type of corrections made.* Names to which mail cannot be delivered or forwarded will be crossed off; incorrect house, rural, or post office box numbers will be corrected; initials will be corrected where apparently the name is known to the owner of the list; and the head of the family will be indicated, if known, when two or more names are shown for the same address. New addresses for patrons who have moved will be furnished when permanent forwarding orders are on file. If no change is necessary, an *x* will be marked in the upper right corner of the card. New names will not be added to a list.

(c) *Address cards arranged in sequence of carrier delivery.* Address cards may be arranged in sequence of carrier route delivery without charge. The cards must be the size and quality of a postal card, one address to a card. The list owner's name must appear in the upper left corner of the card. Cards bearing incorrect, nonexistent, or other undeliverable addresses will be withdrawn and corrected at the charges provided in paragraph (a)(4) of this section. Mailers may submit address plates or stencils instead of cards when satisfactory arrangements can be made to handle them. Postmasters must check to see that mailers whose lists have been arranged in sequence prepare bundles for each route with the individual pieces in address sequence. This service shall not be provided to mailers who do not make the required premailing preparation, and it must not be provided as a substitute for the list correction service provided by paragraph (a) of this section. Postmasters at city delivery post offices may furnish volume mailers upon request the number of "possible deliveries" within his total delivery area or on particular carrier routes.

(d) *Charges.* The minimum charge for each list corrected is $1. For lists of more than 20 names or addresses, the charge is 5 cents per name or street address, including individual apartments. Payment must be made in advance by cash or money order. Lists used by Members of Congress and Federal agencies are corrected without charge. Where rural routes have been consolidated or changed to another post office, no charge will be made for correction if the list contains only names of persons residing on the route or routes involved.

(e) *Postage on lists.* Typewritten lists are subject to postage at the first-class rate. Those prepared by stencil, mimeograph, printing, or similar process may be mailed at the third- or fourth-class

rate depending on the weight. Lists are returned to customers free of postage.

(f) *Furnishing address changes to election boards and registration commissions.* Residential change-of-address information is available to duly constituted election boards or registration commissions using permanent registration, at a cost of 5 cents for each change of address, Form 3575. An election board or registration commission desiring this information must submit to the postmaster a written request signed by an authorized official. The postmaster shall transmit the request to the Regional Director for approval. On approval, the postmaster will receive necessary procedural instructions from the Regional Director for release, control, and return of change-of-address forms 3575.

§ 13.6 Delivery zone numbers.

(a) *Description of delivery zones.* The rapid growth of suburban areas and the expansion of the city delivery service have resulted in the postal consolidation of communities and geographical areas into single delivery areas of duplicated streets, avenues, and location names. To provide prompt delivery of mail in many major cities, the delivery area is divided into geographical or other sections called delivery zones. See exhibit immediately following this paragraph. The postal delivery zone number represents a refinement in the form of the address.

(b) *Zone addresses.* (1) Each delivery zone is assigned a number to be used in the address of all classes of mail.

(2) A zone number must be used with the name of the main post office. The address may include the name of a branch post office, station, community, or other geographic subdivision in addition to the name and zone number of the main distributing post office.

(3) The zone number and name of the main post office should be used even though the community or named station is entirely within a single zone.

(4) The delivery zone number should be on the same line as, and after the name of the main post office and before the name of the State.

Examples of Zone Addresses

John Doe
3307 96th Street
Jackson Heights
Flushing 72, New York
or
John Doe
3307 96th Street
Flushing 72, New York

Paul Smith
408 Broadway Street
Cambridge
Boston 39, Massachusetts
or
Paul Smith
408 Broadway Street
Boston 39, Massachusetts

(5) Firms and major mail users should consult postmasters regarding the form of address and additional information that may be of help in improving mail service and in deriving the full benefit of a complete, proper address.

(c) *Notification of correspondents.* Residents in the delivery area of a zone city should inform their correspondents of the proper zone number and should include that zone number in return addresses, notices, subscriptions, letterheads, and all advertisements relating to the mailing address. Correspondents should be requested to use the delivery zone number on all classes of mail and to maintain this information in the same manner as other elements of the address.

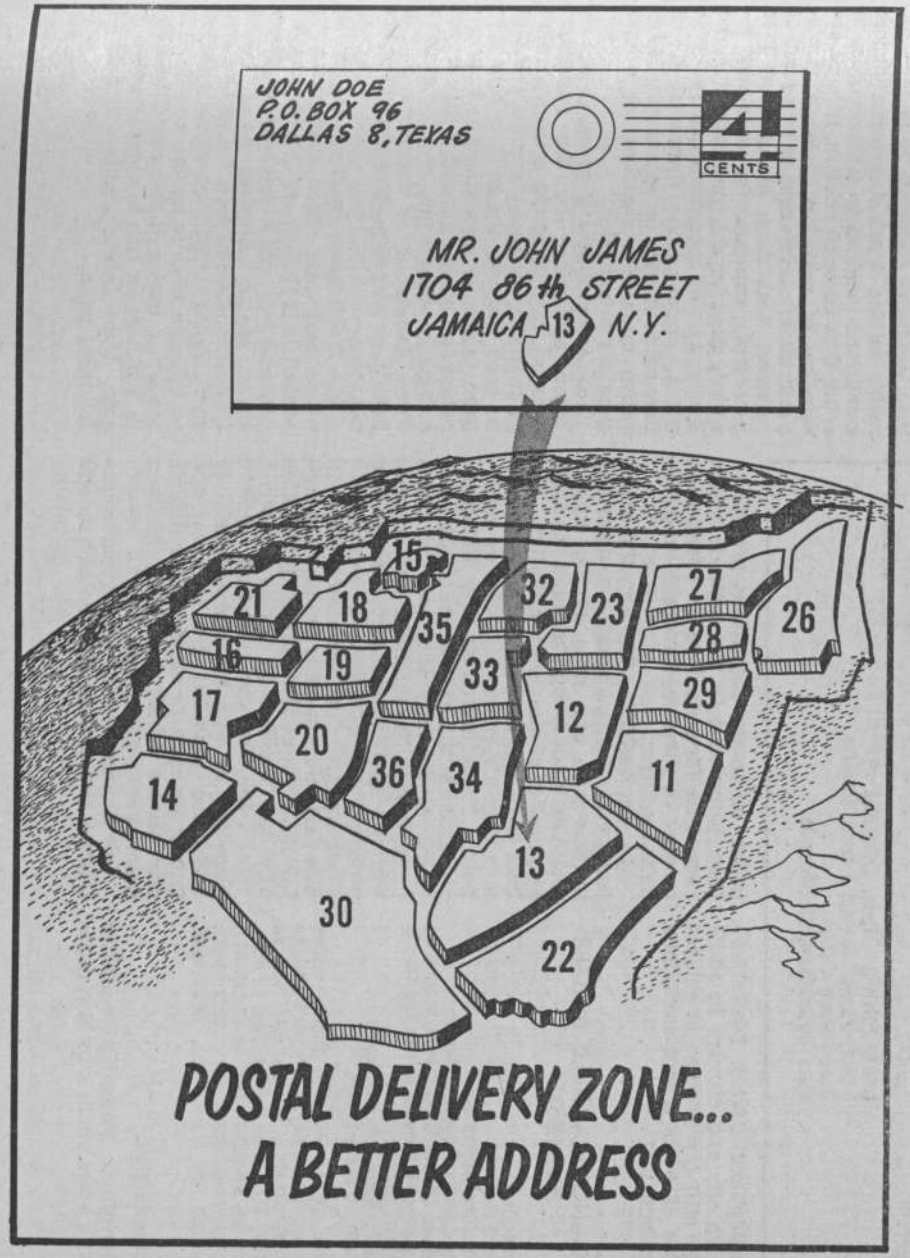
(d) *List of zone cities.* The zone number should be used on all types and classes of mail for delivery in the following zone cities:

Birmingham, Ala.
Montgomery, Ala.
Phoenix, Ariz.
Berkeley, Calif.
Fresno, Calif.
Glendale, Calif.
Long Beach, Calif.
Los Angeles, Calif.
Oakland, Calif.
Sacramento, Calif.
San Diego, Calif.
San Francisco, Calif.
San Jose, Calif.
Stockton, Calif.
Denver, Colo.
Bridgeport, Conn.
Hartford, Conn.
New Haven, Conn.
Waterbury, Conn.
Wilmington, Del.
Washington, D.C.
Jacksonville, Fla.
Miami, Fla.
St. Petersburg, Fla.
Tampa, Fla.
Atlanta, Ga.
Honolulu, Hawaii.
Chicago, Ill.
Evansville, Ind.
Indianapolis, Ind.
South Bend, Ind.
Des Moines, Iowa.
Sioux City, Iowa.
Kansas City, Kans.
Wichita, Kans.
Louisville, Ky.
Baton Rouge, La.
New Orleans, La.
Baltimore, Md.
Boston, Mass.
Springfield, Mass.
Worcester, Mass.
Detroit, Mich.
Flint, Mich.
Grand Rapids, Mich.
Memphis, Tenn.
Nashville, Tenn.
Austin, Tex.
Dallas, Tex.
Fort Worth, Tex.
Houston, Tex.
San Antonio, Tex.
Salt Lake City, Utah.
Arlington, Va.
Lansing, Mich.
Duluth, Minn.
Minneapolis, Minn.
St. Paul, Minn.
Jackson, Miss.
Kansas City, Mo.
Saint Louis, Mo.
Lincoln, Nebr.
Omaha, Nebr.
Camden, N.J.
Jersey City, N.J.
Newark, N.J.
Paterson, N.J.
Trenton, N.J.
Albany, N.Y.
Brooklyn, N.Y.
Buffalo, N.Y.
Far Rockaway, N.Y.
Flushing, N.Y.
Jamaica, N.Y.
Long Island City, N.Y.
New York, N.Y.
Rochester, N.Y.
Schenectady, N.Y.
Staten Island, N.Y.
Syracuse, N.Y.
Charlotte, N.C.
Akron, Ohio.
Canton, Ohio.
Cincinnati, Ohio.
Cleveland, Ohio.
Columbus, Ohio.
Dayton, Ohio.
Toledo, Ohio.
Youngstown, Ohio.
Oklahoma City, Okla.
Tulsa, Okla.
Portland, Oreg.
Philadelphia, Pa.
Pittsburgh, Pa.
Scranton, Pa.
Providence, R.I.
Chattanooga, Tenn.
Knoxville, Tenn.
Norfolk, Va.
Richmond, Va.
Seattle, Wash.
Spokane, Wash.
Tacoma, Wash.
Charleston, W. Va.
Huntington, W. Va.
Madison, Wis.
Milwaukee, Wis.

(e) *Zone directories.* The Postal Zone Directory is an official publication of zone information published in standard format. No charge is made for the directory. Requests should be made to the postmaster of the zone city for which a directory is desired, or to the Office of Headquarters Services, Post Office Department, Washington 25, D.C. Following is a sample of information shown in the directory:

POST OFFICE BOXES

Box Nos.	Station	Location	Zone
1-999	Benjamin Franklin.	POD Bldg., 12th and Pennsylvania Ave. NW.	4
1000-2999	Main Office	North Capitol and Massachusetts Ave.	13
3000-3499	Columbia Heights.	1423 Irving NW	10
3500-3999	Georgetown	1215 31st NW	7
4000-4199	Chevy Chase Branch.	5910 Connecticut Ave.	15
4200-4399	Takoma Park Branch.	7117 Maple Ave. (Md.).	12



APARTMENTS

	Zone
Canterbury, 9th and Morgan	4
Chalcar, 218 Cooper	2
Crescent, 1624 Independence Rd	4
Harding Villa, Federal and Crescent Blvd	5
Helene, 3d and Cooper	2
Pearlye, 1655 Park Blvd	3
Pierre, 306 Cooper	2
Sabre, 2d and Penn	2
Washington Park, 342 Marlton Ave	5
Westfield Acres, 31st and Westfield Ave	5

BUILDINGS

Broadway, 23 Broadway	3
Broadway Stevens, 300 Broadway	3
City Hall, 6th and Market	1
First Camden National Bank, Broadway and Cooper	2
Parkade:	
Federal St. Entrance	3
Market St. Entrance	2
Post Office, 401 Market	1
Smith-Austermuhl, 5th and Market	2
Wilson, 130 N. Broadway	2

COLLEGES

Rutgers College of South Jersey, 406 Penn	2

HOSPITALS

Camden Municipal, Sheridan and Copewood	4
Hard Maternity, 2934 N. Constitution Rd	4
Our Lady of Lourdes, Haddon Ave. and Vesper Blvd	3

HOTELS

Garden, 201 S. 6th	3
Hotel Plaza, 5th and Cooper	2
Milner, 2d and Penn	2
Victoria, 2d and Kaighn Ave	3
Walt Whitman, Broadway and Cooper	2

ALPHABETICAL LIST OF NAMED STREETS

A

	Zone
Abbott	9
Abbott Ct, 7000, 7099	11
Abby Lane	7
Abel Lane	5
Abella Rd	9
Abercorn Rd	11
Alhambra Dr	7
Alice, 2300–2399	7
Aline Rd	10
Allamanda Dr	10

ALPHABETICAL LIST OF NAMED STREETS—Con.

	Zone
Allandale Cit, E. & W	5
Allen Ave	8
Allen Pl	11

§ 13.7 Second-class publications.

(a) All publications should be addressed in a legible hand or plain type not smaller than 10 point.

(b) When several unwrapped copies for subscribers at the same post office are sent under one wrapper, each copy should bear the name and address of the subscriber.

(c) The name of the post office and State should be the most prominent part of the address.

(d) Write or print addresses with black ink or ink of some other strongly contrasting color. Addresses should not be written in pencil.

(e) Use white or other light-colored paper for address strips.

(f) When the address is placed on the wrapper, it should appear on the flat side and never on the fold. Addresses, including address strips, must be placed in a visible position either on the wrapper or directly on the copies.

(g) Individually addressed, unfolded periodicals mailed in bundles without separate wrappers should have the addresses placed upside down in the lower right corner of the front cover page. An alternate position on the periodicals is lengthwise along the bound edge, near the top of the publication.

(h) Individually addressed, unwrapped, folded newspapers and periodicals mailed in bundles to a post office should have the addresses in the upper left corner of the publication when grasped with the right hand along the folded edge.

§ 13.8 Overseas military mail.

(a) *Army and Air Force.* Show grade, full name, including first name and middle name or initial, service number, organization, APO number and the post office through which the mail is to be routed. Example:

Mr. John Smith
123 6th Street
Roanoke, Virginia

Stamp

Pvt. Willard J. Doe, RA 32 000 000
Company F
167th Infantry Regt.
APO 801
New York, New York

Mrs. W. J. Doe
4850 First Street
Denver, Colorado

Stamp

A/1C Harold F. Doe, AF 15 000 000
2nd Bomb Squadron
APO 236
New York, New York

(b) *Navy and Marine Corps.* Show full name, including first name and middle name or initial, rank or rating, shore based organizational unit with Navy number, or mobile unit designation, or name of ship, and the fleet post office through which the mail is to be routed. Example:

Mr. J. C. Doe
238 Third Street
Akron, Ohio

Stamp

John M. Doe, QMSN, USN
USS Lyman K. Swenson (DD729)
Fleet Post Office
San Francisco, California

Mrs. R. D. Doe
4687 Second Street
Boise, Idaho

Stamp

Maj. John M. Doe, USMCR
Staff, Fleet Marine Force, Pacific
Fleet Post Office
San Francisco, California

(c) *Geographical address.* Mail showing a foreign city and country in addition to the military address is subject to the rates of postage and conditions for international mail.

PART 14—NONMAILABLE MATTER [REVISED]

Sec.
14.1 Introduction.
14.2 Harmful matter.
14.3 Intoxicating liquors.
14.4 Obscene and indecent matter.
14.5 Lotteries, frauds, and libelous matter.
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AUTHORITY: §§ 14.1 to 14.9 issued under R.S. 161, as amended, Sec. 1, 62 Stat. 740, as amended, 741, 761–763, as amended, 768, as amended, 769, 781, as amended, 782, 64 Stat. 451; 5 U.S.C. 22, 17 U.S.C. 101, 18 U.S.C. 871, 876, 877, 1262, 1302, 1305, 1341, 1342, 1461, 1463, 1714–1718, 39 U.S.C. 501, 4000–4007, 4057, 4353.

§ 14.1 Introduction.

(a) *Description.* Nonmailable matter includes all matter which is by law, regulation, or treaty stipulation prohibited from being sent in the mail or which cannot be forwarded to its destination because of illegible, incorrect, or insufficient address.

(b) *Applicability.* The harmful or objectionable things identified or described in this part are some of the matter which may not be sent through the mail, as a matter of absolute prohibition. See Part 15 of this chapter for matter mailable only under special rules or conditions. Notwithstanding any statement contained in the regulations of this part, which covers only some of the items prohibited in the mail, the burden rests with the mailer to assure that he has complied with the law. In addition to other nonmailable items mentioned in this part, certain other articles are prohibited in the mail to military post offices overseas. See Part 17 of this chapter.

(c) *Penalties for violation.* Severe penalties, by fine or imprisonment, or both, are provided for persons who knowingly mail or cause to be mailed, any matter which has been declared nonmailable under law.

(d) *Nonconformity with postal regulations.* Regardless of its nature, matter may not be mailed in any form if done in violation of postal regulations for such reasons as failure to pay postage, improper size or weight, improper permits, improper addresses, etc.

(e) *Responsibility of mailer.* When mailers are in doubt as to whether any matter is properly mailable, they should ask the postmaster. Even though the Post Office Department has not expressly declared any matter to be nonmailable, the mailer of such matter may be held fully liable for violation of law if he does actually send nonmailable matter through the mail.

§ 14.2 Harmful matter.

(a) *General provisions of law.* Any articles, compositions, or materials, which may kill or injure another, or injure the mail or other property, are nonmailable. This includes but is not limited to:

(1) All kinds of poison or matter containing poison.

(2) All poisonous animals, except scorpions (see § 15.3(e) of this chapter), all poisonous insects, all poisonous reptiles, and all kinds of snakes.

(3) All disease germs or scabs.

(4) All explosives, inflammable material, infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode.

(b) *General examples of harmful matter.* Harmful matter includes, among others, that which is likely to destroy, deface, or otherwise damage the contents of the mailbags or harm the person of anyone engaged in the Postal Service, such as caustic poisons (acids and alkalies), oxidizing materials, or highly flammable solids; or which are likely under conditions incident to transportation to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing; explosives or containers previously used for shipping high explosives having a liquid ingredient (such as dynamite), ammunition; fireworks; highly flammable liquids or substances; radioactive materials; matches; or articles exhaling a bad odor.

(c) *Acceptability if properly packed.* When authorized by the Postmaster General, various of the articles specified in this part as being nonmailable may be sent through the mail if they conform to special regulations as to preparation and packaging and if they are not outwardly dangerous, or of their own force dangerous or injurious to life, health, or property. See Part 15 of this chapter.

(d) *Radioactive matter.* (1) Radioactive materials other than those described in § 15.2(d) of this chapter are nonmailable. Any package of radioactive matter bearing an Interstate Commerce Commission red or blue label as CLASS D POISON or which is marked to indicate that it contains radioactive matter in excess of the quantities listed in § 15.2(d) of this chapter is nonmailable. These labels are illustrated on the following page.

(Printed in Red)

(Printed in Blue)

(2) If a nonmailable package of radioactive material is discovered intact in the mail, the postmaster shall take the following action immediately:

(i) Place the parcel at least 15 feet from other mail or personnel. Under no circumstances shall the package be dispatched.

(ii) Notify the postal inspector in charge promptly, requesting instructions as to disposition of the package.

(3) If a nonmailable package of radioactive material is found to be broken or leaking, the following action shall be taken:

(i) The area around the damaged package shall be isolated to prevent contact of persons with any loose radioactive material. Any conveyor belt, chute, or other equipment or conveyance, including mail bags, in which the radioactive material has leaked should also be isolated. The isolated area shall be roped off or guarded wherever practicable. A temporary sign indicating the presence of radioactive materials with a warning to keep out should be placed at the edge of the roped off area. The postmaster in cooperation with a postal inspector, if one is available, shall immediately request the assistance of qualified persons to check radiation hazards and to supervise salvage and decontamination. This assistance may be obtained from the sender, if he is nearby, or from one of the following:

(*a*) Local civil defense authorities.

(*b*) Local health, fire or police department.

(*c*) Nearest office of U.S. Atomic Energy Commission. See § 14.2(d)(5).

(*d*) Nearby scientific laboratory.

(*e*) Nearby military installation.

(ii) When assistance from qualified personnel is delayed, those who were in the immediate area of the contaminated package shall wash thoroughly and make a complete change of clothes and remain isolated so as to prevent spread of the contamination until they have been examined by qualified persons. Exposed clothing and shoes should not be removed from the premises. A report of the incident shall be made to the postal inspector in charge.

(iii) When the incident has been appraised by competent radiological specialists, the postmaster should ascertain the need for medical attention to exposed employees. Injury reports are to be treated like other occupational injuries.

(4) Operations Offices of the United States Atomic Energy Commission are as follows:

Operations office	Mail address	Telephone No.
Albuquerque Operations Office.	P.O. Box 5400, Albuquerque, N. Mex.	Alpine 6-4411, Ext. 38267.
Chicago Operations Office.	9800 South Cass Avenue, Argonne, Ill.	Lemont, Ill., Clearwater 7-7711, Ext. 2111 or 541.
Grand Junction Operations Office.	Grand Junction, Colo.	Chapel 3-2110.
Hanford Operations Office.	P.O. Box 550, Richland, Wash.	Whitehall 2-1111, Ext. 6-5441.
Idaho Operations Office.	P.O. Box 2108, Idaho Falls, Idaho.	Jackson 2-6640.
Lockland Aircraft Operations Office.	P.O. Box 23, Lockland Branch, Cincinnati 15, Ohio.	Valley 1-7400.
New York Operations Office.	376 Hudson Street, New York 14, N.Y.	Yukon 9-1000.
Oak Ridge Operations Office.	P.O. Box E, Oak Ridge, Tenn.	Oak Ridge, Tenn., 5-7486 or 5-8611, Ext. 7607.
Pittsburgh Naval Reactors Operations Office.	P.O. Box 1105, Pittsburgh 30, Pa.	Homestead, Pa., 2-3000.
San Francisco Operations Office.	2111 Bancroft Way, Berkeley 4, Calif.	Thornwall 1-5620.
Savannah River Operations Office.	P.O. Box A, Aiken, S.C.	Augusta, Ga., Park 4-6311, Ext. 3333. Aiken, S.C., Midway 9-6211.
Schenectady Naval Reactors Operations Office.	P.O. Box 1069, Schenectady, N.Y.	Express 3-6611.

§ 14.3 Intoxicating liquors.

(a) Spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind containing more than 3.2 percent of alcohol by weight.

(b) Intoxicating liquors containing not more than 3.2 percent of alcohol by weight when addressed to a Territory or district of the United States, the laws of which prohibit the manufacture or sale therein of alcoholic beverages of that content.

(c) Beer, lager beer, ale, porter, wine or other liquors, regardless of alcoholic content, when mailed to Indian wards anywhere or into any Indian reservation.

§ 14.4 Obscene and indecent matter.

(a) *Lewd or filthy matter.* Obscene, lewd, lascivious, or filthy publications or writings, or mail containing information concerning where, how, or from whom such may be obtained, and matter which is otherwise mailable but which has on its wrapper or envelope any indecent, lewd, lascivious, or obscene writing or printing. Any mail containing any filthy, vile, or indecent thing.

(b) *Contraceptive and abortive materials.* (1) Anything intended to prevent conception or produce abortion.

(2) Anything advertised or described so as to lead another to use it for preventing conception or producing abortion.

(3) Any written or printed matter giving information as to how to obtain any article or to use any means for preventing conception or producing an abortion.

(4) Any other written or printed matter intended to induce, or incite to, the

prevention of conception or the production of abortion.

(c) *Inciting to violence.* Any matter of a character tending to incite arson, murder, or assassination.

§ 14.5 Lotteries, frauds, and libelous matter.

(a) *Lotteries.* (1) Any letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on lot or chance.

(2) Any lottery ticket or part thereof or substitute.

(3) Any form of payment for a lottery ticket or share.

(4) Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of a lottery or similar enterprise, or any list of prizes awarded in such an enterprise.

(b) *Fishing contest exception.* Paragraph (a) does not apply to any fishing contest not conducted for profit wherein prizes are awarded for the species, size, weight, or quality of fish caught by contestants in any bona fide fishing or recreational event.

(c) *Fraudulent enterprises.* Anything mailed in pursuance of any scheme for obtaining money or property of any kind through the mail, by means of false or fraudulent pretenses, representations, or promises.

(d) *Fictitious matter.* Any matter addressed to a person using any fictitious, false, or assumed name, title, or address in conducting, promoting, or carrying on or assisting therein, through the mail, any business scheme or device in violation of law. The recipient must appear at the post office of receipt and be identified. If the addressee fails to appear and be identified, after notification, or if the fictitious character of such mail is established to the satisfaction of the Postmaster General, it is forwarded to the dead letter office as fictitious matter or otherwise disposed of as the Postmaster General directs.

(e) *Libelous matter.* Any matter otherwise mailable which has on its outside wrapper or envelope, or any postal card or post card carrying on it:

(1) Any libelous, scurrilous, defamatory, or threatening language, whether written or printed, or which by its manner or style of display is obviously intended to reflect injuriously on the character or conduct of another; or

(2) Any language asking for payment of a bill, which by its manner or style of display is defamatory and reflects injuriously on the character of addressee.

§ 14.6 Disloyalty and threats to the President.

(a) Any letter, publication, or thing containing any matter advocating or urging treason, insurrection, or forcible resistance to any law of the United States.

(b) Any letter or other matter containing any threat to take the life of or to inflict bodily harm upon, the President of the United States.

§ 14.7 Copyright violations.

Publications which violate copyright granted by the United States.

§ 14.8 Certain foreign communications.

(a) Matter addressed to foreign countries, posted in violation of law or treaty stipulations.

(b) Matter of any kind giving or offering to give information concerning procurement of a divorce in a foreign country and designed to solicit business in connection with such procurement.

§ 14.9 Opinions on mailability.

(a) When in doubt as to the mailability of any matter described in §§ 14.2, 14.3, and §§ 15.2, 15.3, and 15.4 of this chapter, the postmaster shall submit a sample or a complete statement of the facts to the Classification and Special Services Division, Bureau of Operations, and await instructions.

(b) Postmasters and other employees at post offices shall not give opinions to the public concerning the mailability of matter under §§ 14.4, 14.5, 14.6, 14.7, 14.8 and §§ 15.5, 15.6 of this chapter. When in doubt as to the mailability of any such matter, the postmaster shall withhold it from dispatch or delivery, and shall send a sample or a complete statement of the facts to the Mailability Division, Office of the General Counsel, for instructions. Newspapers containing doubtful matter should be promptly reported to the Mailability Division, Office of the General Counsel, but they should not be withheld from dispatch without specific instructions.

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

Sec.

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15.2 Adequacy of preparation and packaging.
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15.4 Plant quarantines.
15.5 Concealable firearms.
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AUTHORITY: §§ 15.1 to 15.8 issued under R.S. 161, as amended, Sec. 1, 62 Stat. 781, as amended; 5 U.S.C. 22, 18 U.S.C. 1715, 1716, 39 U.S.C. 501, 4001, 4002, 4058, 4105.

§ 15.1 Legal restrictions.

(a) *Harmful matter.* (1) Certain items which are barred from the mails, as set forth in Part 14 of this chapter may be mailed if prepared and packaged in accordance with the regulations in this part. These are items which are not outwardly or of their own force dangerous or injurious to life, health, or property.

(2) Notwithstanding any statement contained in this part, which covers generally some of the more common situations, the burden rests with the mailer to assure that he has complied with the law and that anything shipped by him has been properly prepared and packaged. The ordinary test of adequate preparation and packaging is whether the contents of a parcel are safely perserved under ordinary hazards of mail handling and transportation.

(3) Products, materials and devices are created or modified with such frequency that the Post Office Department is unable to issue general rulings in advance to govern adequate preparation and packaging. Any mailer may, however, request the Post Office Department, in advance, for a specific ruling as to mailability of his item. The request should be addressed to the local postmaster, who will forward it to the Bureau of Operations, Classification and Special Services Division, Washington, 25, D.C.

(b) *Applicability of other laws.* (1) Although not unmailable, as defined in Part 14 of this chapter, certain other items may be mailed only if they comply with applicable Federal laws and regulations.

(2) Any special conditions or limitations placed on transportation or movement of certain things shall govern admissibility to the United States mails, when imposed under law by the U. S. Department of the Treasury; U. S. Department of Agriculture; U. S. Department of Commerce; U. S. Department of Health, Education, and Welfare; Interstate Commerce Commission; or any other Federal department or agency possessing legal jurisdiction.

(c) *Penalties.* Severe penalties of fine or imprisonment, or both, are provided by law, for anyone who knowingly deposits for mailing or delivery, or causes to be mailed or delivered, anything declared nonmailable under law. Failure to comply with the regulations of the Postmaster General, prescribed in this part, as to matter otherwise nonmailable, constitutes a violation of law.

§ 15.2 Adequacy of preparation and packaging.

(a) *General nature of precautions required.* (1) The restrictions against mailing of harmful matter, from which relief is granted by this part, are intended to prevent damage or harm to postal and transportation personnel, to prevent damage or destruction of other mail and of property, to avoid obnoxious odors, and to prevent the spread of disease and infection. Special preparation and packaging are required to protect against such contingencies.

(2) Basic precautions, covered generally in this section, relate to the inner containers holding the harmful matter, internal cushioning and protection, and exterior packaging and marking.

(b) *Liquids (noninflammable) and powders.* (1) Precautions to take in the case of liquids generally, pastes, salves, ink powders, pepper, snuff or other pulverized materials are against damage to mails and property from leakage and against caustic, irritant, toxic or soiling effect on mail handling personnel.

(2) Containers shall meet any applicable Interstate Commerce Commission or other Federal specifications. Closures must effectively seal the contents against leakage. Friction tops must be fastened so that they will not come off under impact. This may be done by soldering, clips, or otherwise.

CROSS REFERENCE: For shipping container specifications issued by the Interstate Commerce Commission, see 49 CFR Part 78.

(3) Containers of liquids made of glass or other breakable material must be

packaged to withstand handling enroute. The container shall be cushioned inside the carton to absorb shock and impact. Where feasible, absorbent material shall be used, to take up all the liquid in case of breakage.

(4) Poisons for scientific use, which are not outwardly or of their own force dangerous or injurious to life, health or property, may be shipped between manufacturers, dealers, bona fide research or experimental scientific laboratories and employees of the Federal, state or local governments who have official use for such poisons. Any such employee must be designated by the head of his agency to receive or send such poisons. The preparation and packaging of such poisonous articles shall be under the same conditions as apply to other articles covered by this part.

(c) *Combustible and gaseous.* (1) In addition to precautions specified in paragraph (b) of this section, containers of inflammable liquids must have sufficient air space to allow for vapor expansion under variations. This is to guard against bursting from internal pressure.

(2) Safety matches of a strike-only-on-box or book variety may be mailed provided they are insulated adequately with aluminum foil, asbestos or other fire retardant material. Strike-anywhere matches may not be mailed.

(3) Compressed gas containers shall be of metal or nonshattering steel types, as required by the Interstate Commerce Commission or other Federal agencies. In addition to being cushioned to absorb shock, containers with release mechanisms shall be protected against damage or accidental discharge in transit.

(d) *Radioactive materials.* In addition to special packaging precautions, as prescribed in this part, a package containing radioactive materials must not emit from its exterior any significant alpha, beta, or neutron radiations and the gamma radiation at any surface of the package must be less than 10 milliroentgens for 24 hours. The package must not contain more than 0.1 millicuries of radium, or polonium, or that amount of strontium 89, strontium 90, or barium 140 which disintegrates at a rate of more than 5 million atoms per second; or that amount of any other radioactive substance which disintegrates at a rate of more than 50 million atoms per second. See § 14.2(d) of this chapter regarding disposition of dangerous radioactive materials that are nonmailable.

(e) *Sharp edges and firearms.* (1) Sharp pointed or sharp edged instruments such as knives, tools, icepicks, razor blades, etc., shall be wrapped to protect their points and edges from cutting through the outer carton in which they are shipped.

(2) Rifles or shotguns are mailable if they are not loaded. The mailer may be required by the post office clerk to establish this to the clerk's satisfaction either by opening the parcel or by giving him a written statement certifying that the gun is unloaded.

§ 15.3 Perishable matter.

(a) *Time factor.* Live animals that are otherwise mailable, and perishable foods and game, may not be sent through the mail unless there is sufficient time in ordinary transit for them, after mailing, to reach their destinations in good condition. Certain perishable foods may be shipped at the mailer's risk, provided they are not subject to rapid decay and the generating of obnoxious odors. Airmail, special handling, or special delivery services are advisable.

(b) *Highly perishable food and game.* (1) Crates, boxes, baskets, or other containers used to ship highly perishable goods should be so constructed as to protect the contents and to prevent their escape.

(2) Berries, fruits and vegetables are not mailable unless presented in dry condition.

(3) Water ice used as a refrigerant must be packed as though it were a liquid, in accordance with § 15.2(b). Dry ice (carbon dioxide solid) is acceptable when wrapped securely in heavy paper. Dry ice must not be packed in glass, metal or other air-tight containers. Sufficient insulation is necessary if a fiberboard box is used, in order to prevent condensation and wetting of the shipping carton.

(c) *Live day-old poultry.* Live day-old chicks, ducks, geese, guinea fowl and turkeys are acceptable in the continental surface mails under the following conditions:

(1) They must be presented for mailing in the original unopened hatchery box from the hatchery of origin.

(2) The date and hour of hatching must be noted on the box by a representative of the hatchery who has personal knowledge thereof (in the case of COD shipments made by a hatchery for the accounts of others the name or initials and address of the hatchery, or the post office box number and address of the hatchery shall be prominently shown in connection with this requirement).

(3) They must not be over 24 hours old.

(4) The box must be properly ventilated and of proper construction and strength to bear safe transmission in the mail. (These boxes may be stacked 10 high in cars.)

(5) They can be delivered to the addressee within 60 hours of the time of hatching regardless of whether the addressee resides in town or on a rural or star route.

(6) They must be mailed sufficiently early in the week to avoid receipt at the office of address, in case of missed connections, on a Sunday, national holiday or on the afternoon preceding a Sunday or holiday.

(7) Shipments shall not be forwarded to the addressee from the office of original address nor returned to mailer if delivery cannot be made to either the addressee or sender within 60 hours of the time of hatching, but will be disposed of in accordance with § 48.2(h) of this chapter. Shipments that are delayed beyond the 60-hour limit by washouts, snow blockades, wrecks, and the like, will be disposed of by postmasters in accordance with instructions in § 48.2(h) of this chapter.

(8) If a shipment is received at the office of address and it is not promptly accepted by the addressee, it will be held for delivery until the expiration of the 60-hour period from the time of hatching, if there is a possibility that delivery may be made within that period. If, at the expiration of the 60-hour period, the shipment has not been accepted, it will be sold. Such shipments will not be sold to the original addressee unless paid for in full. If the parcel is sent collect-on-delivery, the COD charges plus the money order fee will show the minimum amount which may be accepted from the addressee, which is the amount that would have been collected from the addressee had the parcel been accepted when originally offered for delivery. If the parcel is sent as ordinary or insured mail and the price is not known to the postmaster, the addressee will not be permitted to buy the chicks after refusing to accept them but the shipment will be disposed of in accordance with § 48.2 (h) of this chapter.

(9) Boxes of day-old poultry of approximately the same size which are securely fastened together to prevent their becoming separated in transit may be accepted for mailing as a single parcel provided such parcel does not exceed 100 inches in length and girth combined.

(10) Day-old poultry originally shipped by air express or air cargo and then presented for mailing must be in first-class condition and be prepared in accordance with subparagraphs (1) through (5) of this paragraph. They must not be over 24 hours old at time of mailing.

(11) The shipments must bear special delivery or special handling postage in addition to regular postage.

(12) Day-old poultry vaccinated with Newcastle Disease (live virus) are nonmailable.

(13) Each box should bear, in addition to the address label on top, another address label on the side, or the narrow end, if the box is rectangular in shape, to eliminate unnecessary handling when boxes are stacked.

(d) *Insects.* (1) Queen bees and honey bees are acceptable in the continental surface mails, and queen bees only in airmail, when shipped in accordance with Federal and State regulations to assure that they are free of disease. Packages of honey bees must bear special delivery or special handling postage.

(2) Other live, nonpoisonous and nondisease-conveying insects may be sent through the mail when properly prepared and packaged and when shipped in accordance with regulations of the U.S. Department of Agriculture.

(e) *Live scorpions.* Live scorpions which are to be used for purposes of medical research or for the manufacture of antivenin will be accepted in the continental surface mail when packaged in a double mailing container, both parts of which are closed or fastened in such a manner as to prevent escape of the scorpions. The inner container shall be of material which cannot be punctured by the scorpions and shall be plainly marked "Live Scorpions". Cushioning material must be used when necessary to prevent shifting of the inner container.

The outer container shall be of sufficient strength to prevent crushing of the package or exposure of the contents during normal handling in the mails, and also shall be plainly marked "Live Scorpions". Packages containing live scorpions may not be sent by air.

(f) *Meats and meat products.* Interstate shipments of meats and meat products may be sent through the mail only if they conform with regulations of the U.S. Department of Agriculture under Federal statutes. Each shipment must be accompanied with a certificate submitted by the mailer on Form 3583, "Certificate of Shipper and Mail Shipment of Meat or Meat-Food Products". The form is designed for use by all shippers of meat or meat-food products subject to the inspection regulations of the U.S. Department of Agriculture. Three types of certificates are included in the form. The shipper must complete both sides of the form and submit it to the postmaster with each shipment. The original copies of all certificates must be kept in the post office for 1 year. Certificates one and two must be completed in duplicate and the duplicates must be sent daily in an official post office penalty envelope to the address of the U.S. Department of Agriculture printed on the form.

(g) *Dead wild animals.* The dead bodies, or parts thereof, of any wild animals, wild birds or their eggs, are acceptable for mailing only when they have been lawfully killed or taken and their shipment is not prohibited by law of the United States or of the State, Territory, district or foreign country or subdivision thereof in which killed or taken or offered for shipment. Mailing of fresh game is also subject to requirements of this section.

(h) *Furs, hides, skins or pelts.* Parcels containing furs, hides, skins or pelts of wild animals are mailable when properly dried or cured; have no offensive odor; and are plainly marked, labeled, or tagged on the outside with the names and addresses of the shipper and the addressee together with such other endorsement, if any, as may be required by the game laws of the State, Territory, or district in which mailed. Hides and pelts shall be wrapped when necessary to prevent damage to other mail.

§ 15.4 Plant quarantines.

(a) *Nursery shipments—(1) Nursery stock, etc.* Nursery stock, including all field grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots, may be admitted to the mails only when accompanied with a certificate from a State or Government inspector to the effect that the nursery or premises from which such stock is shipped has been inspected within a year and found free from injurious insects and plant diseases, and the parcel containing such stock is plainly marked to show the nature of the contents and the name and address of the sender.

(2) *Preparation and packaging.* The wettable packing material and the roots or butts of the plants must be wrapped or boxed in a waterproof material heavy enough to withstand safe transmission in the mails without leakage or loss of packing material. The term "waterproof material" means a tar-centered paper or kraft paper waxed on one side or a kraft paper with a waxed or tarred paper liner or plastic wrap. If a box is used, it must have a similar lining to prevent leakage or loss of contents and to insure retaining a moisture content for the roots of plants without weakening the box. The tops of all bundles must be wrapped with a covering of paper, straw or similar material to protect the plant from injury and drying out and if the plant has thorns or other pointed projections, the wrapper shall be puncture-proof to avoid injury to postal employees handling such bundles.

(b) *Plant quarantine applying to the continental United States.* When any State or area is quarantined by order of the Secretary of Agriculture, under authority of the Plant Quarantine Act, or by an authorized State plant pest official cooperating with the Secretary of Agriculture, on account of a plant disease or insect infestation, the mailing of plants, plant products, or other articles covered by such quarantine or regulatory order from such State or area into or through any State or area is subject to the restrictions imposed by such order.

CROSS REFERENCE: For quarantine regulations of the U.S. Department of Agriculture, see 7 CFR Chapter III.

(c) *Terminal inspection for plants and plant products—(1) States and Territories requiring inspection.* See 7 CFR Chapter III for places of inspection in States which require packages containing plants and plant products to be examined by State inspectors. The packages must be plainly marked on the outside to show the exact nature of their contents.

(2) *Addressee must pay additional postage.* The addressee must pay postage to send the package to the inspection place and must arrange with the State plant inspector to pay postage to return the package to the office of address after inspection.

(3) *Packages addressed in care of State plant inspector.* Packages may be addressed in care of a State plant inspector at a place other than where the addressee lives. The addressee must arrange for the inspector to pay postage to forward the package to the addressee after inspection. If the sender prints "Forwarding Postage Guaranteed" under the return address, the package may be forwarded by the inspector without prepayment of postage, and the amount due will be collected from the addressee when the package is delivered.

(4) *Disposition of infected shipments.* When the inspector finds that plants or plant products are infested or infected with injurious insects or diseases and are incapable of satisfactory treatment, or they are found to have been moved in violation of a plant quarantine law or regulation of the U.S. Department of Agriculture or of the State of destination pertaining to such injurious pests, parcels will be returned to the sender and payment of postage for return collected on delivery. If the sender has marked the parcel to be abandoned, if undelivered, the package will be turned over to State authorities for destruction.

§ 15.5 Concealable firearms.

(a) *When mailable.* Unloaded pistols, revolvers and other firearms capable of being concealed on a person are mailable only to:

(1) Officers of the Army, Navy, Air Force, Coast Guard, Marine Corps, or Organized Reserve Corps.

(2) Officers of the National Guard or militia of a State, Territory, or district.

(3) Officers of the United States or of a State, Territory, or district whose official duty is to serve warrants of arrest or commitment.

(4) Officers and employees of enforcement agencies of the United States.

(5) Watchmen engaged in guarding the property of the United States, a State, Territory, or district.

(6) Purchasing agent or other designated member of agencies employing officers and employees included in subparagraphs (3) and (4) of this paragraph.

(7) Employees of the Postal Service.

(8) Manufacturers of firearms or bona fide dealers therein, from one to the other, or by any person in categories (1) through (6) in customary trade shipments.

(b) *Filing affidavits.* An affidavit of the addressee shall be filed with the postmaster by the mailer or his agent at the time of mailing setting forth that he is qualified to receive the firearms under the particular category of paragraph (a) (1) through (6) of this section and that the firearm is intended for his official duty use. The affidavit shall be a certificate stating that the firearms are, for the use of the addressee, for his official duty, signed by one of the following, as appropriate:

(1) For officers of Armed Services a certificate signed by his commanding officer.

(2) For officers and employees of enforcement agencies, a certificate signed by the head of the agency employing the addressee to perform the official duty in connection with which the firearm is to be used.

(3) For watchmen a certificate signed by the chief clerk of the department, bureau or independent branch of the Government of either the United States, the State, Territory, or district by which the watchman is employed.

(4) For the purchasing agent or other designated member of enforcement agencies, a certificate signed by the head of such agency, that the firearms are to be used by officers and employees included in paragraph (a) (3) and (4) of this section.

A qualified manufacturer or bona fide dealer need not file an affidavit but must file with the postmaster a statement (for which Form 1508, "Statement by Shipper of Firearms", may be used) signed by the mailer that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are custom-

ary trade shipments or contain other articles for repair or replacement of parts and that to the best of his knowledge or belief the addressees are manufacturers of the firearms or bona fide dealers therein. If satisfied that the mailer is as stated by him the postmaster shall accept the parcel for mailing. No affidavit or certificate need be filed by the mailer when the parcel is addressed to the Federal Bureau of Investigation, Washington, D.C., or the Director thereof; or to the scientific laboratory or crime detection bureau of any enforcement agency covered by paragraph (f) of this section.

(c) *Marking of parcels.* You must plainly mark the parcel with the word FIREARMS in bold, block letters, one inch high and of corresponding width. The particular class of persons to which the addressee belongs, as specified in categories of paragraph (a) (1) through (8) of this section shall be indicated by stating underneath the word firearms "for Army officer" or "for manufacturer" or "for bona fide dealer," etc. as the case may be.

(d) *Identification of addressee.* The postmaster at the office of delivery shall require the addressee of any parcel covered by this section except a manufacturer of firearms or bona fide dealer therein, to call at the post office and establish his identity to the satisfaction of the postmaster. The parcel may then be delivered after the addressee signs a receipt which shall be filed by the postmaster for not less than 3 years. Receipts for delivery shall be taken on Form 2162, "Delivery Receipt, Firearms." Before delivery to an addressee who is a manufacturer of firearms or bona fide dealer therein, the postmaster shall satisfy himself that the addressee is actually such manufacturer or dealer.

(e) *Official shipments.* Without regard to the provisions of paragraphs (a) through (d) of this section, firearms may be accepted for mailing when offered by authorized agent of the Federal Government for shipment to any qualified addressee as listed in paragraph (a) (1) through (6) of this section. The parcels shall bear plainly written or printed the official title and addresses of the sender together with the words "official shipment." The postmaster shall satisfy himself as to the identity of the addressee before making delivery.

(f) *Federal Bureau of Investigation; crime detection bureaus.* Firearms addressed to the Federal Bureau of Investigation, or its Director or to the scientific laboratory or crime detection bureau of any agency whose members are officers of a State, territory, or district authorized to serve warrants of arrest or commitment, may be accepted for mailing without regard to the provisions of paragraphs (b) and (d) of this section.

(g) *Antique firearms.* Antique or unserviceable pistols and revolvers sent as curios or museum pieces may be accepted for mailing without regard to the provisions of paragraphs (a) through (d) of this section.

§ 15.6 Switchblade knives.

(a) *When mailable.* Knives having a blade which opens automatically by hand pressure applied to a button or other device in the handle, or by operation of inertia, gravity, or both, are mailable only when sent to:

(1) The following designated supply or procurement officers and employees ordering, procuring, or purchasing such knives for use in connection with the activities of their respective governments or organizations:

(i) Civilian or Armed Forces supply or procurement officers and employees of the Federal Government;

(ii) Supply or procurement officers of the National Guard, the Air National Guard, or militia of a State, Territory, or the District of Columbia;

(iii) Supply or procurement officers or employees of the municipal government of the District of Columbia or of the government of any State or Territory, or any county, city, or other political subdivision of a State or Territory; and

(2) Manufacturers of such knives, or bona fide dealers therein, in connection with a shipment made pursuant to an order from any person designated in subdivision (i), (ii), or (iii) of subparagraph (1) of this paragraph.

(b) *Marking of parcels.* The parcel must be plainly marked with the word "Switchblades" in bold block letters and the statement, "Mailing complies with P. M. 125.6." Mailings to persons referred to in paragraph (a) (1) of this section shall include as part of the address the official title or designation of the addressee. Mailings to those referred to in paragraph (a) (2) of this section shall include as a part of the address the word "Manufacturer" or "Dealer."

(c) *Identification of addressee.* Before making delivery, the postmaster shall satisfy himself that the addressee is in one of the categories of paragraph (a) of this section.

(d) *Explanation of mailing.* In any case where the postmaster is in doubt as to the mailability of a proposed shipment of switchblade knives, he may require the sender to furnish a written statement explaining how the mailing complies with this section. If the explanation is not satisfactory to the postmaster, he shall forward it to the Mailability Division, Office of the General Counsel, for a ruling.

§ 15.7 Identification and marking.

(a) *Identification of contents.* The identity or nature of contents of anything mailed under any of the provisions of this part shall be stated plainly on the outside of the parcel, as a condition of mailing.

(b) *Identification of sender and addressee.* The full name and address of both the mailer and the addressee shall be written in ink, rubber-stamped or pasted on the outside of any package whose mailing is covered by this part.

(c) *Labels.* Any labels required under Federal law or under any regulations issued by any Federal agencies pursuant to Federal law shall be pasted to the outside of the parcel.

(d) *Customs declaration tag for Canal Zone.* Any package of merchandise weighing 16 ounces or more addressed to the Canal Zone shall have attached a customs declaration, Form 2966, (see § 121.6(a) of this chapter) except when addressed to a Government agency. It is not sufficient to state on the customs tag that a parcel contains merchandise or a gift. The contents must be itemized and the value shown.

§ 15.8 Airmail.

Any matter acceptable in the domestic surface mails may be sent by airmail, except:

(a) Anything susceptible to damage, or which may be rendered harmful by changes in temperature or atmospheric pressures and not protected against the effects of such changes.

(b) Permanent magnetic materials with unconfined fields.

(c) Matter specifically excluded by appropriate Federal agencies from air shipment.

PART 16—SECOND CLASS BULK MAILINGS

Sec.
16.1 Folding.
16.2 Wrapping.
16.3 Mailing.
16.4 Newspaper treatment.
16.5 Statement and copy filed with mailings.
16.6 Weighing and collection of postage.
16.7 Key rate.
16.8 Controlled circulation publications.

AUTHORITY: §§ 16.1 to 16.8 issued under R.S. 161, as amended, Sec. 7, 74 Stat. 705; 5 U.S.C. 22, 18 U.S.C. 1734, 39 U.S.C. 501, 4051, 4052, 4058, 4351, 4352, 4358, 4359, 4363, 4364, 4367, 4370, 4421, 4422, 4551–4553.

§ 16.1 Folding.

(a) Fold publications to a size not larger than 9 x 12 inches when practicable.

(b) Newspapers and light magazines should be folded to the size of an eighth of a newspaper page, or about 5 x 12 inches.

§ 16.2 Wrapping.

(a) Single copies not tied in bundles or wrapped in packages as specified in § 16.3(d) must be enclosed in wrappers or envelopes.

(b) All single copies addressed to Army-Air Force post offices must be enclosed in wrappers or envelopes.

(c) Heavy magazines should be wrapped singly, and publications of small size or of a flimsy nature should be placed in envelopes.

(d) Use white or other light-colored paper for wrapping. Do not use old newspapers.

(e) Second-class mail must be prepared so that it can be easily examined. Mailing of publications in sealed envelopes, wrappers, or other covers at the second-class rates of postage is deemed to be the consent of the sender to postal inspection of the contents. To assure that these articles will not be opened for postal inspection, patrons should, in addition to paying the first-class rate of postage, plainly mark "First Class" or similar endorsement on the envelope, wrapper, or cover.

(f) Sealed or unsealed envelopes used as wrappers and sealed wrappers or other sealed covers must show in the upper right corner a notice of entry and in the upper left corner the name of the publi-

cation and the mailing address to which undeliverable copies or change of address notices are to be sent. See § 22.2(e)(6) of this chapter.

§ 16.3 Mailing.

(a) *Place of mailing.* Publications must be brought for mailing to the post office, or such other place as may be designated by the postmaster, except that when the publisher delivers the copies at his own expense and risk to other post offices or elsewhere, the copies need not be presented for mailing if deposits to cover the postage are maintained.

(b) *How presented.* The copies must be enclosed in mail sacks, or other suitable containers, and shall be separated to routes, States, and cities, or distribution points (see § 24.4(b)(7) of this chapter), in such manner as may be prescribed by the Department.

(c) *Copies of previous and current issues combined.* When a reasonable number of copies of previous issues are included in a mailing of a current issue, they may be accepted and charged with postage on the basis of the percentages of advertisements and nonadvertisements contained in the current issue, the issue forming the bulk of the mailing presented being regarded as the current issue.

(d) *Copies for same post office or State*—(1) *Direct packages.* When there are more than five individually addressed copies of a publication for subscribers at the same post office, they must be securely wrapped in packages or tied in bundles and labeled for the post office. The twine and paper used must be strong enough for the weight and size of the package or bundle.

(2) *State packages.* After all post office directs have been made and if there are more than five copies remaining for any one State, they must be wrapped in packages or tied in bundles and labeled for the State.

(3) *Direct sacks.* When there are sufficient packages and bundles for one post office to fill a sack approximately one-third full, they must be placed in a direct sack, or sacks, for that post office. Direct sacks should be labeled in the following form:

PHILADELPHIA PA
Fr Progress Boston Mass

(4) *State sacks.* When the quantity is insufficient for direct sacks and there are enough bundles or packages for one State to fill a sack approximately one-third full, they must be placed in a State sack and labeled to the proper distribution point for that State. See § 24.4(b)(7) of this chapter. State sacks should be labeled in the following form:

CINCINNATI OHIO TERMINAL
Virginia
Fr The Sketch St Louis Mo

(5) *Mixed sacks.* Publications for which there are insufficient copies to justify direct city and State sacks should be made up in sacks labeled to the local post office. Example:

CHICAGO ILL DIS
Mixed States
Fr Fair Chicago Ill

(6) *Maximum weight in a sack.* The total weight of publications placed in one sack must not exceed 80 pounds.

(7) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(8) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

(e) *Copies for military post offices overseas*—(1) *Direct packages.* When more than one copy is addressed to one unit, APO, or Navy or Marine Corps address (see § 13.8 of this chapter), the copies must be securely wrapped in packages or tied in bundles labeled for the military address.

(2) *Mixed packages.* After all direct packages have been made, if there are more than five copies remaining for dispatch through any postal concentration center, they must be wrapped in packages or tied in bundles and labeled for the center.

(3) *Direct sacks.* When there are a sufficient number of packages and bundles for one unit, APO, or Navy or Marine Corps address to fill approximately one-half of a sack, a direct sack must be made. Direct sacks will not be opened at postal concentration centers. The sack should be labeled in the following form:

(Show appropriate postal concentration center.) (Show military address.)

PCC SAN FRANCISCO CALIF
APO 165
Fr The Recorder New York NY

(4) *Mixed sacks.* When the quantity is insufficient for a direct sack and there are enough bundles or packages for dispatch through one postal concentration center to fill approximately one-half of a sack, make up a sack for that center and label in the following form:

(Show appropriate postal concentration center.) (Show FPO when applicable.)

PCC NEW YORK N Y
APO Mail
Fr The Recorder New York N Y

(f) *Exceptional dispatch*—(1) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3(c)(4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate regional transportation manager of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(2) *Delivery by mobile unit clerks.* Mobile unit clerks, when authorized by the postmaster, may receive packages of second-class publications directly from publishers or news agents and deliver them as directed, provided the packages are presented and called for at the mail car and are not received from or intended for delivery in any post office.

(3) *Delivery by baggageman.* Baggagemen when authorized by an appropriate distribution and traffic manager may receive packages of second-class publications directly from publishers and news agents on trains to which no postal transportation clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

(4) *Delivery to agents.* Packages marked to be delivered outside the mail will be so delivered only when addressed to news agents or agents of publishers.

(5) *Preparation.* Bundles or packages intended for delivery outside the mail must be adequately wrapped with heavy paper and tied with twine heavy enough to stand up under the regular handling and dispatch of these packages. The wrapper of the bundles must be conspicuously marked "U.S. Mail for Outside Delivery at Publisher's Risk."

§ 16.4 Newspaper treatment.

(a) *Definition.* Newspapers must be published once each week or more frequently and feature principally news of interest to the general public to be given expeditious distribution, dispatch, transit handling, and delivery, usually referred to as newspaper treatment. If the postmaster at the office of entry is in doubt as to whether any particular publication is a newspaper, he will submit all the facts to the Bureau of Operations, Classification and Special Services Division.

(b) *Preparation for mailing.* Newspapers must be made up in sacks plainly labeled "Newspapers." Direct city and State sacks will be made in accordance with § 16.3(d). Label in the following manner.

(1) *Direct sacks.*

CINCINNATI OHIO
Newspapers Via Pitts & St Lou Tr 79
Fr The Register Columbus Ohio

(2) *State sacks.*

WHEEL & CIN TR 238
Ohio Newspapers
Fr The Register Columbus Ohio

(c) *Dispatching.* Newspapers will be dispatched in pouches with first-class mail when the quantity is not sufficient to make up separate sacks. Newspapers for dispatch to a railway post office, a highway post office, a terminal, or a first-class office will not be mixed in sacks with any class of mail other than first class. Sacks labeled "Newspapers" will be dispatched with first-class mail.

(d) *Handling at delivery office.* Sacks containing newspapers will be promptly segregated and the contents distributed for the earliest possible delivery.

(e) *Notification to publishers of delays.* Publishers will be notified whenever their mailings of newspapers are not delivered to the post office or train in sufficient time to connect with the intended dispatch.

§ 16.5 Statement and copy filed with mailings.

(a) *Copy marked to show advertising.* The publisher must file with the postmaster a copy of each issue. The advertisements in the copy must be marked by the publisher in such manner that they may be verified when necessary.

(b) *Definition of advertisements.* The term "advertisements" includes display, classified, and all other forms of adver-

tisements, and all editorials or other reading matter for the publication of which money or other valuable consideration is paid, accepted, or promised. When the publisher is not compensated for the publication of editorial or other reading matter, such matter will take the rate of postage for other than advertising. Articles, items, and notices in the form of reading matter inserted in accordance with a custom or understanding that a "reader" is to be given the advertiser or his products in the publication in which the display advertisement appears are advertising. When a newspaper or periodical advertises its own services or issues, or any other business of the publisher, in the form of either display advertisements, or editorial or reading matter, this is advertising and will be charged the advertising mailing rate.

(c) *Statement showing number of copies mailed.* When postage is to be computed on the bulk weight of one issue as provided for by § 16.6(a), the publisher must file with the first mailing of each issue a statement on Form 3542 (statement showing number of copies of second-class publication mailed) showing the number of copies included in each zone or other separation necessary for computing the postage, and the average weight per copy as determined in the manner prescribed by § 16.6(b). When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by § 16.6(c), the statement must be filed with the first mailing of the last issue mailed each month and must show the average number of copies of each issue included in each separation, the weight of one sheet, and the combined weight of one copy from each issue as determined in the manner prescribed by § 16.6(d). The publisher must determine the average number of copies by dividing the total number of copies mailed during the month by the total number of issues mailed. The dates of issue and the dates of mailing must be indicated by entering in the spaces provided on Form 3542 only the first and last dates.

(d) *Endorsements on marked copy and Form 3542 (Statement showing number of copies of second-class publication mailed).* The total advertising and nonadvertising portions must be determined by column inches, square inches, pages, or by any other recognized units of measure. The publisher must show by endorsement on the first page of the copy the total units of the advertising space and the total units of nonadvertising space and the percentage of each. When postage is to be computed on the bulk weight of one issue as provided for by § 16.6(a), the percentage of advertising endorsed on the marked copy must be entered on Form 3542. When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by § 16.6(c), the percentage of advertising to be entered on Form 3542 must be obtained as follows:

(1) Keep a record of the number of units of advertising space and the number of units of nonadvertising space in each issue.

(2) Add the advertising units in each issue to determine the total advertising units in all of the issues.

(3) Add the nonadvertising units in each issue to determine the total nonadvertising units in all of the issues.

(4) Add the advertising and nonadvertising units to determine the total units in all of the issues.

(5) Divide the total advertising units by the total units.

(e) *Payment of advertising rates on reading portion.* A publisher may, if he so desires, pay postage at the advertising zone rates on both the advertising and nonadvertising portions instead of marking a copy of each issue to show the advertising and nonadvertising portions. When the advertising exceeds 75 percent, the copies filed must have endorsed on the first page by the publisher the words "Advertising over 75 percent." When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words "Advertising not over 75 percent." The entire weight must be entered on Form 3541 in the column provided for the advertising portion. The words "Over 75 percent" or "Not over 75 percent" according to whether the copies do or do not contain over 75 percent advertising must be entered on Form 3541 (Computation of second-class postage) and on Form 3542 (Statement showing number of copies of second-class publication mailed). The word "Waived" must be written in the space provided for the weight of the reading portion on Form 3541.

(f) *Statement of news agent.* When a news agent presents for mailing second-class matter subject to the zone rates of postage, he must submit to the postmaster a statement showing the percent of the space in such matter devoted to advertisements and the percent devoted to other than advertisements. Publishers should furnish this information to news agents purchasing copies of their publications, in order that such agents may be able to prepare the statements required.

§ 16.6 Weighing and collection of postage.

(a) *Procedure for determining bulk weight of one issue.* When postage is to be computed on the bulk weight of one issue, the postmaster will obtain such weight by multiplying the total number of copies of the issue mailed by the average weight of one copy. The number of copies of a single issue mailed will be obtained from the statement on Form 3542 required by § 16.5(c). The average weight of one copy will also be obtained from the statement on Form 3542 and must be determined by the publisher as prescribed in paragraph (b) of this section.

(b) *How to determine average weight per copy of one issue.* The average weight per copy must include the wrapping and binding materials and must be obtained by the publisher as follows:

(1) Count a reasonable number of copies selected in such a manner for test purposes that when wrapped and bundled they will bear a proper ratio to the total number of copies to be mailed individually wrapped and wrapped bundled for mailing.

(2) Weigh in bulk the copies which have been counted, after they are wrapped and bundled for mailing.

(3) Divide the bulk weight of the test copies by the number of test copies to obtain the average weight per copy in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(c) *How to determine bulk weight.* When publications are regularly printed on sheets of uniform weight, postmasters are not required to compute the postage on the bulk weight of each issue. Postage on such publications may be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month. The postmaster will obtain the total bulk weight by multiplying the average number of copies mailed by the combined weight of one copy from each issue. The average number of copies of each issue mailed during the month will be obtained from the statement on Form 3542 and must be determined by the publisher in the manner prescribed by § 16.5(c). The combined weight of one copy from each issue will also be obtained from the statement on Form 3542 and must be determined by the publisher in the manner prescribed by paragraph (d) of this section.

(d) *How to determine combined weight during a calendar month.* The combined weight of one copy from each issue mailed during a calendar month must include the wrapping and binding materials and must be obtained by the publisher as follows:

(1) Determine by the method prescribed in paragraph (b) of this section the average weight of one copy of any one issue selected by the postmaster for testing and verifying during the month.

(2) Divide the average weight of one copy by the number of sheets in the copy to determine the weight of one sheet in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(3) Select one copy of each of the issues mailed during the month and count the sheets in all of the selected copies to determine the total number of sheets in the selected copies.

(4) Multiply the total number of sheets in the selected copies by the weight of one sheet.

(e) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (b) of this section for use either in computing postage on the bulk weight of a single issue or in determining the weight of one sheet as provided for by paragraph (d) of this section, must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when

postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of § 16.5(a) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542 (Statement showing number of copies of second-class publication mailed). If there is reason at any time to doubt the accuracy of the number of copies reported on Form 3542, sufficient weighings must be made to resolve the doubt.

(f) *Payment of postage at time of mailing or by advance deposits.* Publishers must pay in money before mailings are dispatched all postage charged at the second-class rates shown in § 22.1 of this chapter. Exception: The transient rate (see § 22.1(c) of this chapter) must be paid by adhesive or meter stamps or by permit imprints. (See §§ 34.3(b) and 34.5(a)(2) of this chapter.) Postmaster will accept deposits of money to pay for as many mailings as desired and will give a receipt on Form 3544 (Post Office receipt for money) for the deposits.

(g) *Record of mailings.* Postage on the bulk mailings will be computed on Form 3541 from the weights obtained on Form 3542 (Statement showing number of copies of second-class publication mailed). The publisher will be furnished a duplicate of Form 3541 (Computation of second-class postage) if he requests one. When postage is computed on the bulk weight of one issue, the mailings and postage will be recorded on Form 3543 (Mailing record of second-class matter, postage and advance deposits). When postage is computed at the end of each calendar month on the total weight of all issues mailed during the month, the total mailings and postage for the month will be computed on one Form 3541, and only the totals will be recorded in Form 3543.

(h) *How to show dates of issue and mailing.* When a number of consecutive issues are covered by one Form 3541 or Form 3542, or by one entry on Form 3543, the dates of issue and the dates of mailing must be indicated by entering the first and last dates in the appropriate spaces and columns.

§ 16.7 Key rate.

(a) *Authority to use.* Postmasters will use the key rate method of computing pound-rate postage on publications subject to the advertising zone rates when large mailings justify its use.

(b) *Statement showing mailings to each zone.* The publisher must submit once each calendar year, at 12-month intervals, a statement on Form 3542 showing the number of copies of an issue mailed to each zone. During these 12-month intervals, the publisher does not need to complete the lines for zones 1 to 8 on Form 3542. He enters only total zone mailings on "Total to all zones" line.

(c) *New zone statement.* Postmasters will require a new report on Form 3542 showing the mailings to each zone at any time during the 12-month intervals when the volume of mailings to the zones varies or when there is an increase in the total number of copies.

(d) *Computation.* (1) Compute the key rate on Form 3541 (Computation of second-class postage) once each calendar year at 12-month intervals. If a new report on Form 3542 (Statement showing number of copies of second-class publication mailed) is filed at any time during the 12-month intervals showing mailings to each zone, a new key rate must be computed and used.

(2) Enter on the corresponding lines in column B of Form 3541 the number of copies for each zone shown on Form 3542. Apply the applicable pound rates shown in column F to the number of copies for each zone and enter the postage for each zone in column C of Form 3541. Divide the total postage in item 2, column c, by the total number of copies in item 2, column B, to obtain the key rate, which should be carried to six decimal places. Apply the key rate only to the total weight of the advertising portion. Apply the regular reading portion rate to the total weight of the reading portion. Computation of the key rate must be verified by an employee or supervisor other than the person who originally computed it. See exhibit A, Computation of new key rate (Forms 3542 and 3541), following paragraph (d)(3) of this section.

(3) Prepare Form 3541 for subsequent mailings as shown in exhibit B, Computation of postage based on mailings of one issue only (Forms 3542 and 3541), and exhibit C, Computation of postage based on mailings of all issues for calendar month (Forms 3542 and 3541), as shown below, until a new report on Form 3542 showing mailings to each zone is filed under paragraphs (b) and (c) of this section.

§ 16.8 Controlled circulation publications.

The weight of mailings of controlled circulation publications (see Part 23 of this chapter) is obtained in the manner prescribed for obtaining the weight of mailings of second-class publications. Controlled circulation postage is collected and accounted for in the same manner as second-class postage. Each mailing must be prepared and made up for dispatch in the manner prescribed for second-class mail. (Sections 16.1 through 16.3.)

EXHIBIT A—COMPUTATION OF NEW KEY RATE

FORM 3542

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY	STATE	DATE
Mayville	Maryland	May 1, 1959

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS

DATE OF ISSUE PRINTED IN COPIES: May 1, 1959

DATE OF MAILING:

CHECK WHETHER SUBSCRIBERS' OR SAMPLE COPIES (Do not report both on one form.) [X] SUBSCRIBERS' COPIES [ ] SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THIS ISSUE: .137500 LBS.

PERCENTAGE OF ADVERTISING IN THIS ISSUE:

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET: LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE: LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES:

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2	2621	
	3	1971	
	4	1052	
	5	170	
	6	124	
	7	38	
	8	21	
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND			
COPIES WITHIN COUNTY FREE OF POSTAGE			
LOCAL OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH			
CONTROLLED PUBLICATIONS—PART 23, POSTAL MANUAL			
FREE MATTER FOR BLIND—39.32, POSTAL MANUAL			

SIGNATURE: Joe Mayo

POD Form 3542

POD, WASH., D. C.

COMPUTATION OF NEW KEY RATE—Continued. FORM 3541

POST OFFICE AND STATE: Mayville, Maryland
DATE OF MAILING:
NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS—Daily ex Sunday
DATE OF ISSUE PRINTED IN COPIES: May 1, 1959

OUTSIDE COUNTY

	A ZONE	B ~~SAMPLE COPIES; POUNDS~~ COPIES	C ~~SUBSCRIBER'S COPIES; POUNDS~~ POSTAGE	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	1-1-60	1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	1-1-60	1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
1. Advertising portion Percentage:	1 AND 2	2621 x 2.2¢	$57.662			2.2¢	2.6¢	3.0¢				$	
	3	1971 x 3¢	59.130			3.0	3.5	4.0					
	4	1052 x 4.5¢	47.340			4.5	5.2	6.0					
	5	170 x 6¢	10.200			6.0	7.0	8.0					
	6	124 x 7.7¢	9.548			7.7	8.7	10.0					
	7	38 x 9.2¢	3.496			9.2	11.0	12.0					
	8	21 x 11¢	2.310			11.0	12.5	14.0					
2. Total pounds all zones		5997	$189.686			KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE:	
3. Total advertising portion (Column E, item 2) $189.686 / 5997 = .031630													
4. Nonadvertising portion (Column D, item 2 minus item 3)						2.1	2.3	2.5					
5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G													
6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.					NO. OF COPIES OR PIECES (From Form 3542):				¼¢	⅜¢	½¢		

INSIDE COUNTY AND SPECIAL RATE

7. Copies outside county at special nonprofit rate						1½							
8. Copies within county at rate of 1 cent per pound						1¢							
9. Weight of copies free of postage to subscribers in county of publication													
10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ½ cent minimum													
11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.					NO. OF COPIES OR PIECES (From Form 3542):				⅛¢				
12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each					NO. OF COPIES:				1 or 2¢				
13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)					NO. OF COPIES:	12¢			1¢				

COMPUTED BY: William Preston Verified by James Boone

TOTAL POSTAGE CHARGED $

POD Form 3541 Rev. 1958

COMPUTATION OF SECOND CLASS POSTAGE

Attach this form to Form 3542 from which computation is made.

EXHIBIT B—COMPUTATION OF POSTAGE BASED ON MAILINGS OF ONE ISSUE ONLY. FORM 3542

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY: Mayville | STATE: Maryland | DATE: June 1, 1959

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS

DATE OF ISSUE PRINTED IN COPIES: June 1, 1959 | DATE OF MAILING: June 1, 1959

CHECK WHETHER SUBSCRIBERS' OR SAMPLE COPIES (Do not report both on one form.) ☒ SUBSCRIBERS' COPIES ☐ SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THE ISSUE: .137500 LBS.

PERCENTAGE OF ADVERTISING IN THE ISSUE: 65

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET: ____ LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE: ____ LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES: ____

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2		
	3		
	4		
	5		
	6		
	7		
	8		
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND		1176	
COPIES WITHIN COUNTY FREE OF POSTAGE		1148	
LOCAL OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH		50	
CONTROLLED PUBLICATIONS—PART 139, POSTAL MANUAL			
FREE MATTER FOR BLIND—CM 322, POSTAL MANUAL			

J. M. Mayes
SIGNATURE

POD Form 3542 Rev. 1960

POD. WASH., D. C.

COMPUTATIONS OF POSTAGE BASED ON MAILINGS OF ONE ISSUE ONLY—Continued. FORM 3541

POST OFFICE AND STATE: Mayville, Maryland
NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS—Daily ex Sunday
DATE OF MAILING
DATE OF ISSUE PRINTED IN COPIES: June 1, 1959

		A ZONE	B SAMPLE COPIES, POUNDS	C SUBSCRIBER'S COPIES POUNDS	D TOTAL POUNDS	E ADVERTISING PORTION POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	F 1-1-60	F 1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	G 1-1-60	G 1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
OUTSIDE COUNTY	1. Advertising portion Percentage: 65	1 AND 2					2.2¢	2.6¢	3.0¢				$	
		3					3.0	3.5	4.0					
		4					4.5	5.2	6.0					
		5					6.0	7.0	8.0					
		6					7.7	8.7	10.0					
		7					9.2	11.0	12.0					
		8					11.0	12.5	14.0					
	2. Total pounds all zones			825	825	537	KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE: 16.99	
	3. Total advertising portion (Column E, item 2)				537									
	4. Nonadvertising portion (Column D, item 2 minus item 3)				288		2.1	2.3	2.5				6.05	
	5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G												23.04	
	6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.					NO. OF COPIES OR PIECES (From Form 3542): 5997				1/4¢	3/8¢	1/2¢	15.00	23.04
INSIDE COUNTY AND SPECIAL RATE	7. Copies outside county at special nonprofit rate						1½							
	8. Copies within county at rate of 1 cent per pound				162		1¢						1.62	
	9. Weight of copies free of postage to subscribers in county of publication			158										
	10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ½ cent minimum												1.62	
	11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.					NO. OF COPIES OR PIECES (From Form 3542): 1176				1/8¢			1.47	1.62
	12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each					NO. OF COPIES: 50				1 or 2¢				.50
	13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)					NO. OF COPIES:	12¢			1¢				

COMPUTED BY: William Preston

TOTAL POSTAGE CHARGED: $ 25.16

POD Form 3541 Rev. 1958

COMPUTATION OF SECOND CLASS POSTAGE

Attach this form to Form 3542 from which computation is made.

EXHIBIT C—COMPUTATIONS OF POSTAGE BASED ON MAILINGS OF ALL ISSUES FOR CALENDAR MONTH. FORM 3542

POST OFFICE DEPARTMENT

STATEMENT SHOWING NUMBER OF COPIES OF SECOND-CLASS PUBLICATION MAILED

CITY: Mayville
STATE: Maryland
DATE: May 31, 1959

NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS

DATE OF ISSUE PRINTED IN COPIES: May 1 to 31, 1959, Inclusive
DATE OF MAILING: (26 Issues) May 1 to 31, 1959, Inclusive

CHECK WHETHER SUBSCRIBERS' OR SAMPLE COPIES
(Do not report both on one form.) [X] SUBSCRIBERS' COPIES [ ] SAMPLE COPIES

WHEN THIS STATEMENT IS FOR ONE ISSUE ONLY, FURNISH THE FOLLOWING INFORMATION:

AVERAGE WEIGHT PER COPY FOR THIS ISSUE: ____ LBS.

PERCENTAGE OF ADVERTISING IN THIS ISSUE: ____

WHEN THIS STATEMENT IS FOR ALL ISSUES FOR A CALENDAR MONTH, FURNISH THE FOLLOWING INFORMATION:

WEIGHT OF ONE SHEET: .045833 LBS.

COMBINED WEIGHT OF ONE COPY FROM EACH ISSUE: 3.574974 LBS.

PERCENTAGE OF ADVERTISING COMPUTED ON CONTENTS OF ALL ISSUES: 65

When postage is computed at the key rate, the lines for zones 1 to 8 need not be completed except for one issue each calendar year at 12-month intervals. The total zone mailings must be entered on the "Total to all zones" line during the twelve month intervals.

COPIES OUTSIDE COUNTY WITH ADVERTISING	POSTAL ZONES	NUMBER OF COPIES	NUMBER OF POUNDS
	1 AND 2		
	3		
	4		
	5		
	6		
	7		
	8		
TOTAL TO ALL ZONES		5997	
COPIES OUTSIDE COUNTY WITH NO ADVERTISING			
COPIES OUTSIDE COUNTY AT SPECIAL 1½ CENTS A POUND RATE			
COPIES WITHIN COUNTY AT 1 CENT A POUND		1176	
COPIES WITHIN COUNTY FREE OF POSTAGE		1148	
LOCAL OR HEADQUARTERS COPIES AT 1 OR 2 CENTS EACH		1900	
CONTROLLED PUBLICATIONS—PART 135, POSTAL MANUAL			
FREE MATTER FOR BLIND—138.322, POSTAL MANUAL			

Joe Mays
SIGNATURE

POD Form 3542 Rev. 1958

COMPUTATION OF POSTAGE BASED ON MAILINGS OF ALL ISSUES FOR CALENDAR MONTH

POST OFFICE AND STATE: Mayville, Maryland
NAME OF PUBLICATION OR NEWS AGENT: MAYVILLE PRESS—Daily ex Sunday
DATE OF MAILING: May 1 to 31, 1959, Inclusive (26 Issues)
DATES OF ISSUE PRINTED IN COPIES: May 1 to 31, 1959, Inclusive (26 Issues)

		A ZONE	B SAMPLE COPIES, POUNDS	C SUBSCRIBER'S COPIES POUNDS	D TOTAL POUNDS	E ADVERTISING PORTION, POUNDS	F POSTAGE RATE PER POUND OR FRACTION 1-1-59	F 1-1-60	F 1-1-61	G MINIMUM RATE PER COPY OR PIECE 1-1-59	G 1-1-60	G 1-1-61	H COMPUTED POSTAGE	I POSTAGE CHARGED
OUTSIDE COUNTY	1. Advertising portion													
	Percentage: 65	1 AND 2					2.2¢	2.6¢	3.0¢				$	
		3					3.0	3.5	4.0					
		4					4.5	5.2	6.0					
		5					6.0	7.0	8.0					
		6					7.7	8.7	10.0					
		7					9.2	11.0	12.0					
		8					11.0	12.5	14.0					
	2. Total pounds all zones			21440	21440	13936	KEY RATE, IF USED: .031630						POSTAGE AT KEY RATE: 440.80	
	3. Total advertising portion (Column E, item 2)				13936									
	4. Nonadvertising portion (Column D, item 2 minus item 3)				7504		2.1	2.3	2.5				157.59	
	5. Total pound rate postage (Column H) on copies subject to minimum rate shown in item 6, Column G												598.39	
	6. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 5.					NO. OF COPIES OR PIECES (From Form 3542): 155,922				¼¢	⅜¢	½¢	389.81	598.39
INSIDE COUNTY AND SPECIAL RATE	7. Copies outside county at special nonprofit rate						1½							
	8. Copies within county at rate of 1 cent per pound				4205		1¢						42.05	
	9. Weight of copies free of postage to subscribers in county of publication			4105										
	10. Total pound rate postage (add items 7 and 8, Column H) on copies subject to ½ cent minimum												42.05	
	11. Compute postage at minimum rate shown in Column G (this item) on each copy or piece shown in Column E, this item. Charge this amount if it exceeds total pound rate postage entered in Column H, item 10.					NO. OF COPIES OR PIECES (From Form 3542): 30,576				⅛¢			38.22	42.05
	12. Copies at local or headquarters letter-carrier rates of 1 or 2 cents each					NO. OF COPIES: 1,300				1 or 2¢				13.00
	13. Controlled circulation publications (charge pound rate or minimum per copy rate, whichever is higher)					NO. OF COPIES:	12¢			1¢				

COMPUTED BY: William Preston

TOTAL POSTAGE CHARGED: $ 653.44

POD Form 3541 Rev. 1958

COMPUTATION OF SECOND CLASS POSTAGE

Attach this form to Form 3542 from which computation is made.

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

§ 17.1 Conditions applicable to parcels addressed to certain military post offices overseas.

Military APO No.	Post offices Navy No.*	Cigarettes and other tobacco products prohibited[8]	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 50 pounds	Customs declaration on Form 2966 or 2976-A required
2				7 X		
7				7 X		
8				7 X		
10				7 X		
11		X		1 X		3 X
12		X		1 X		3 X
13		X	X	7 X		
16[11]		X	X	7 X		
17				7 X		3 X
18		X		1 X		3 X
19				7 X		
20		X		7 X		
21				7 X		
22		X		1 X		3 X
24		X		2 X	1 X	3 4 X
26				7 X		
28		X	X	7 X		
29		X	X	7 X		
30[9]		X	X	7 X		
31		X		1 X		3 X
34				7 X		
35		X	X	7 X		
36		X	X	7 X		
39		X	X	7 X		
44		X	X	7 X		
46		X		1 X		3 X
47		X	X	7 X		
49				7 X		
50				7 X		
55				7 X		
57		X		1 X		3 X
58		X	X	7 X		
59				7 X		
64				7 X		
66		X	X	7 X		
67				7 X		3 X
69		X	X	7 X		
70				7 X		3 X
71				7 X		
74				7 14 X		
76				7 X		
79		X	X	7 X		
80		X	X	7 X		
82		X	X	7 X		
83		X		1 X		3 X
84		X		1 X		3 X
85				7 X		
87		X		1 X		3 X
92				7 X		
94				7 X		3 X
98				7 14 X		
99				7 X		3 X
100				7 X		3 X
	100	X		2 X	X	3 4 X
102				7 X		
107		X	X	7 X		
108		X	X	7 X		
109		X	X	7 X		
110		X		1 X		3 X
111		X	X	7 X		
112		X	X	7 X		
113[9]		X		1 X		3 X
114		X	X	7 X		
115		X		1 X		3 X
116		X		2 X	1 X	3 4 X
117[9]		X		1 X		3 X
118[9]		X		1 X		3 X
119		X		1 X		3 X
120		X		2 X	1 X	3 4 X
	121					3 X
122		X		1 X		3 X
123		X	X	7 X		
124		X		2 X	1 X	3 4 X
125		X		2 X	1 X	3 4 X
127		X		2 X	1 X	3 4 X
128		X		1 X		3 X
129		X		2 X	1 X	3 4 X
130		X	X	7 X		
132		X	X	7 X		
	133	X		1 X		3 X
133[11]				7 X		3 X
135				7 X		
139		X	X	7 X		
147		X		2 X	1 X	3 4 X
148				7 X		3 X
154		X	X	7 X		
	161			7 X		
162		X	X	7 X		
163		X		1 X		3 X
164		X	X	7 X		
165		X	X	7 X		
166		X	X	7 X		
167		X		2 X	1 X	3 4 X
168		X		7 X		
169		X	X	7 X		
170		X	X			
171		X	X	7 X		
172		X	X	7 X		
173		X	X	7 X		
175		X	X	7 X		
176		X	X	7 X		
177		X	X	7 X		
178		X	X	7 X		
179		X		2 X	1 X	3 4 X
180		X	X	7 X		
181				7 X		3 X
185		X	X	7 X		
	188					3 X
189		X	X	7 X		
190		X		2 X	1 X	3 4 X
191		X	X	7 X		
192				7 X		
193		X		2 X	1 X	3 4 X
194		X		2 X	1 X	3 4 X
195		X	X	7 X		
196		X		2 X	1 X	3 4 X
199		X		2 X	1 X	3 4 X
	200	X		2 X	X	3 4 X
202		X		2 X	1 X	3 4 X
203		X		1 X		3 X
204		X		1 X		3 X
205				67 X		3 X
207		X	X	7 X		
210		X		2 X	1 X	3 4 X

See footnotes at end of table.

Military APO No.	Post offices * Navy No.	Cigarettes and other tobacco products prohibited [8]	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 50 pounds	Customs declaration on Form 2966 or 2976-A required
211		X		[1] X		[3] X
213		X		[1] X		[3] X
	214	X		[1] X		[3] X
215		X		[1] X		[3] X
216		X		[1] X		[3] X
217		X		[1] X		[3] X
218		X		[2] X	[5] X	[3] [4] X
219		X		[1] X		[3] X
	220	X		[2] X	X	[3] [4] X
221		X		[7] X		
223				[7] X		
224 [11]				[7] X		[3] X
225		X	X	[7] X		
227		X	X	[7] X		
230		X		[1] X		[3] X
231				[7] X		
232		X		[2] X	[5] X	[3] [4] X
235				[7] X		
238		X		[2] X	[5] X	[3] [4] X
239				[7] X		
	240			[2] X		X
240		X		[7] X		
241		X		[2] X	[5] X	[3] [4] X
242		X		[2] X	[5] X	[3] [4] X
243		X		[2] X	[5] X	[3] [4] X
245		X	X	[7] X		
247		X		[1] X		[3] X
252		X	X	[7] X		
253		X		[1] X		[3] X
254 [11]				[7] X		[3] X
255		X		[1] X		[3] X
256		X		[1] X		[3] X
257		X		[1] X		[3] X
258		X		[1] X		[3] X
259		X		[1] X		[3] X
271				[6] X		[3] X
277		X	X	[7] X		
279		X	X	[7] X		
281		X	X	[7] X		
287		X		[1] X		[3] X
288		X		[1] X		[3] X
289 [11]				[7] X		[3] X
291				[7] X		
292				[7] X		[9] [3] X
293		X		[7] X		
294 [11]				[7] X		[3] X
301				[7] X		
305		X	X	[7] X		
319		X	X	[10] [12] X		
320		X	X	[7] X		
321		X	X	[7] X		
322		X		[1] X		[3] X
323				[7] X		[3] X
324 [11]				[7] X		[3] X
325		X		[1] X		[3] X
326		X	X	[7] X		
327		X		[2] X	[5] X	[3] [4] X
328				[7] X		[3] X
329 [11]				[7] X		[3] X
330		X	X	[7] X		
331				[7] X		
332		X	X	[7] X		
333		X	X	[7] X		
336		X		[7] X		
338 [11]				[7] X		[3] X
343				[7] X		[3] X
349		X		[2] X	[5] X	[3] [4] X
358				[7] X		
377		X		[2] X	[5] X	[3] [4] X
378		X		[2] X	[5] X	[3] [4] X
380 [11]				[7] X		[3] X
402		X		[7] X		
403		X	X	[7] X		
404		X		[7] X		
405		X		[2] X	[5] X	[3] [4] X
407		X	X	[7] X		
455				[7] X		
460				[7] X		
503				[7] X		[3] X
	510	X		[7] X		
	513			[7] X		
	520			[7] X		
	535			[7] X		
	539	X	X	[6] X		
	555	X		[7] X		
	566	X		[7] X		
	570			[7] X		[3] X
	580			[7] X		
	585	X		[2] X	X	[3] [4] X
612				[7] X		
616				[6] [7] X		[3] X
633		X	X	[7] X		
660				[7] X		[3] X
696		X	X	[7] X		
	720					[3] X
742		X	X	[7] X		
743		X	X	[7] X		
751		X	X	[7] X		
755		X		[2] X	[5] X	[3] [4] X
757		X	X	[7] X		
794		X		[7] X		

See footnotes at end of table.

Military APO No.	Post offices * Navy No.	Cigarettes and other tobacco products prohibited [8]	Coffee prohibited	Other prohibited items	Weight for other than registered mail restricted to 50 pounds	Customs declaration on Form 2966 or 2976-A required
800		X	X	[7] X		
807		X	X	[7] X		
815				[7] X		
825 [13]						[3] X
826						[3] X
827						[3] X
829						[3] X
	830			[7] X		[3] X
832						[3] X
834 [13]						[3] X
837						[3] X
843		X		[2] [10] X		
	846			[7] X		[3] X
	850			[7] X		
872		X	X	[7] X		
	875			[7] X		[3] X
900				[7] X		[3] X
	913	X	X	[7] X		
919				[7] X		[3] X
925				[7] X		[3] X
928				[7] [14] X		
929				[7] X		[3] X
	955			[7] X		[3] X
	961			[7] X		
970				[7] X		
971				[7] X		
994				[7] X		[3] X
	3002			[7] X		
	3835			[7] X		[3] X
	3867			[7] X		
	3912			[7] X		[3] X
	3923			[7] X		[3] X

*Mail addressed to personnel attached to Commander in Chief, U.S. Naval Forces, Europe (CINCUSNAVEUR), or Commander in Chief, U.S. Naval Forces, Eastern Atlantic and Mediterranean (CINCNELM). Fleet Post Office, New York, is subject to limitations applicable to Navy No. 100.

[1] Parcels may not contain: *a.* Medicines and vaccines not conforming to French laws; *b.* nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents; *c.* currency, gold and silver bullion; *d.* securities.

[2] Parcels may not contain securities, precious metals, or currency.

[3] Customs declaration tags are not required for parcels which: a. Contain official matter from Government agencies and are addressed to a military organization or to military personnel; b. contain materials or supplies sent by contractors for Government use and bear the endorsement Contents for Official Use—Exempt from Customs Requirements.

[4] Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal effects, or items for personal use intended for military personnel or their dependents. Where the contents of a parcel meet these requirements, the mailer should place a certification similar to the following on the customs form under the heading—Description of Contents: Certified to be a bona fide gift, personal effects, or items for personal use of military personnel and dependents thereof. The following articles may not be accepted: a. Securities; b. precious metals; c. currency.

[5] Parcels except those sent as registered mail may not exceed 42 inches in length or 72 inches in length and girth combined.

[6] Parcels may not contain firearms of any type.

[7] Parcels may not contain currency, foreign or domestic, except when sent in official shipments.

[8] Gift shipments of cigarettes, tobacco, and tobacco products donated by tobacco companies to hospitalized military personnel may be accepted when addressed to the commanding officer of a military hospital.

[9] Air parcels may not exceed dimensions shown in footnote 11.

[10] Mailable firearms may be shipped only by unregistered air parcel post. (See § 15.5 of this chapter concerning concealable firearms.) All other parcels may not ontain firearms of any type.

[11] Parcels may not exceed the following dimensions:

Length	*Not over*
42 inches	72 inches length and girth combined.
Over 42 to 44 inches	24 inches girth.
Over 44 to 46 inches	20 inches girth.
Over 46 to 48 inches	16 inches girth.

Maximum length 48 inches.

[12] Parcels, other than official shipments, are limited to 20 pounds in weight and 50 inches in length and girth combined.

[13] Registered, certified, or numbered insured mail will not be sent to box addresses of this APO.

[14] Parcel post packages will not be sent to personnel at the Dependent Mail Section of this APO.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 505, 706, 712)

PART 18—POSTAL DELIVERY ZONE SYSTEM

Sec.

18.1 Purpose of the system.
18.2 Maintenance of zone system.
18.3 Change in delivery zone system.
18.4 Reissuance of postal zone directories.
18.5 Promotion of zone number usage.

AUTHORITY: §§ 18.1 to 18.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501.

§ 18.1 Purpose of the system.

The postal delivery zone system expedites and simplifies the handling of mail in the following ways:

(a) *Incoming mail.* The distribution of mail is performed more rapidly by the use of simple numbers in addition to street name, block, and house numbers.

(b) *Outgoing mail.* The primary separation can be made at originating post offices of mail for delivery at other major post offices.

(c) *Distribution scheme knowledge.* The need for detailed scheme knowledge on the part of primary distribution employees is reduced.

(d) *Improved addressing.* As a refinement of the address, the zone number facilitates the prompt routing of mail for duplicate named or numbered streets.

(e) *Premailing separation.* By advanced separation to individual delivery zones, or delivery points, mailers of bulk or quantity mailings can realize the advantages of reduced handling and prompt delivery.

§ 18.2 Maintenance of zone system.

(a) *Subdivision of total delivery area—*(1) *Geographic.* A delivery zone may be a definite geographic section of the total delivery area, encompassed entirely within a delivery station or served by a secondary distribution unit.

(2) *Other.* A delivery zone may represent a series of post office box numbers, military installations, government agencies, or the official establishments of the Postal Service.

(b) *Boundaries of zones.* (1) The boundaries of geographic zones must be as permanent as the present and forseeable needs of the postal population permit.

(2) Zone boundaries should coincide with delivery station boundaries or conform to natural physical boundaries.

(3) A zone should not be served by more than one delivery or secondary distributing unit. Two or more entire zones may be included in the area served by one delivery or secondary distributing unit.

(4) All city delivery carrier routes in a zone should emanate from the same delivery unit.

(5) A zone should not be extended or assigned to a new area that will eventually consist of more than aproximately 40 city delivery carrier routes. Areas of future service development may consist of more than one zone.

(6) Rural routes should not be grouped or designated as a single or separate zone, since conversion to city delivery service may involve more than one delivery station or secondary distributing unit.

(7) Carrier route changes should be made entirely within the zone, except when a new or rezoned area is added.

(c) *Numbering of delivery zones.* (1) Each zone should be designated by a number, 1 to 99, without prefix or suffix letters. The numbering need not be consecutive, as provision should be made for possible future expansion of the total delivery area.

(2) The zone number of a discontinued zone must not be reassigned to a new or additional area or series of post office box numbers.

(3) The same zone number may be assigned to separate areas, if the areas are contiguous and deliverable from the same distribution unit.

(d) *Official use of delivery zone number.* (1) All official correspondence, notices, and address information shall include the delivery zone number and the proper address of the installation.

(2) Letterheads, posters, and press releases should include the zone number in all references to specific addresses.

(3) Preprinted forms, rubber stamps and address endorsements, including notice Forms 3547, "Notice to Mailer", and 3579, "Undeliverable Second-class Matter", should bear the appropriate zone number.

§ 18.3 Change in delivery zone system.

(a) *Basis for change.* (1) Changes must result in a more usable and effective system commensurate with the operations and service benefits to the mailer and to the Postal Service, and must respect the existence of independent office surrounded by or included in the zone area.

(2) The presence of one or more of the following is considered justification for system change:

(i) Extension of total delivery area of an office.

(ii) Change in the type of delivery service, such as rural route to city delivery route.

(iii) Consolidation of postal installations.

(iv) Change in the physical characteristics of an area, as when a new super-highway intersects an existing zone.

(3) The following are considered insufficient basis for a system change:

(i) Carrier route adjustment, extension, or mechanization.

(ii) Straightening or simplification of zone boundaries.

(iii) Desire to rearrange zone numbers.

(iv) Desire to have a separate zone designation for established communities, commercial centers, or large office buildings already zoned.

(b) *Request by postmaster for system change*—(1) *Where to submit.* Request by the postmaster for any zone change shall be submitted to the Regional Director.

(2) *What to submit.* The following should be submitted with the request:

(i) A statement of justification.

(ii) A definition of the existing zones.

(iii) The boundaries of the new or altered zone.

(iv) The number of possible delivery stops involved in the change.

(v) A statement as to the effect of the proposed change on address and distribution procedures, and on the quantity of second- and bulk third-class mail separated and tied to individual zones.

(vi) A map showing the original zone and the proposed change.

(vii) A diagram of the primary separations.

(c) *Approval*—(1) *Action by region.* Following appraisal of the proposed change to make sure the conditions in paragraphs (a) and (b) of this section have been met, the Regional Director will send all the material to the Classification and Special Services Division, Bureau of Operations, together with his recommendations as to the proposed change.

(2) *Action by Department.* The Classification and Special Services Division, Bureau of Operations will notify the Regional Director of approval or disapproval. Action by the Department will be based on the material submitted, and on the effect the proposed changes would have on the acceptance and use of the zone system and on service improvement programs.

§ 18.4 Reissuance of postal zone directories.

When changes are involved in the directory, the material should not be prepared by the postmaster until approval of proposed changes has been received from the Classification and Special Services Division, Bureau of Operations, through the Regional Director.

When approval has been received, or when reissuance is only to replenish the supply, material must be submitted as indicated below:

(a) *How to prepare material.* The postmaster should prepare the material as follows:

(1) Remove material from the present directory. Most of the finished directory is prepared two columns to a page. However, the material submitted, with the exception of the index and post office box information, should consist of only a single column to a sheet of plain paper approximately 8 x 10½ inches in size. The index and post office box information should appear on separate sheets.

(2) When there are no changes in the column, remove the column from the page and paste it on the plain sheet of paper.

(3) When there are seven or less changes to the column, paste the column on the plain sheet of paper. Indicate change in zone number on the right portion of the sheet and all other changes on the left portion of the sheet in the following manner:

Lake Lane	29	
Lake Rd	20	
Lakeside Ave	28	
Lakeside Blvd	27	
Lakeview Ave	20	
Lakeview Dr	25	
Lakeview Rd	34	
Lakewood Dr	29	
Lamb Ave	22	
Lambert Ave	34	
Lamont	27	
Lancaster Rd	~~22~~	23
Lancelot Ave	34	
Landis Dr	26	
Landria Dr	25	
Landsdowne Rd	29	
Landsworth Ave	28	
Langhorne	22	
Langston ~~Ave.~~	20	
Lansing Ave	25	
Lanvale Ave	30	
Larchmont Lane	24	
Larcom Lane	29	
Larkwood Rd	29	
Larne Ave. (St)	24	
Larry	22	
Laurel	20	
Lawrence Rd	29	
Lawson	24	
Lawton		30
Leah Rd	30	
Leake Ave	24	
Lee Ave	26	

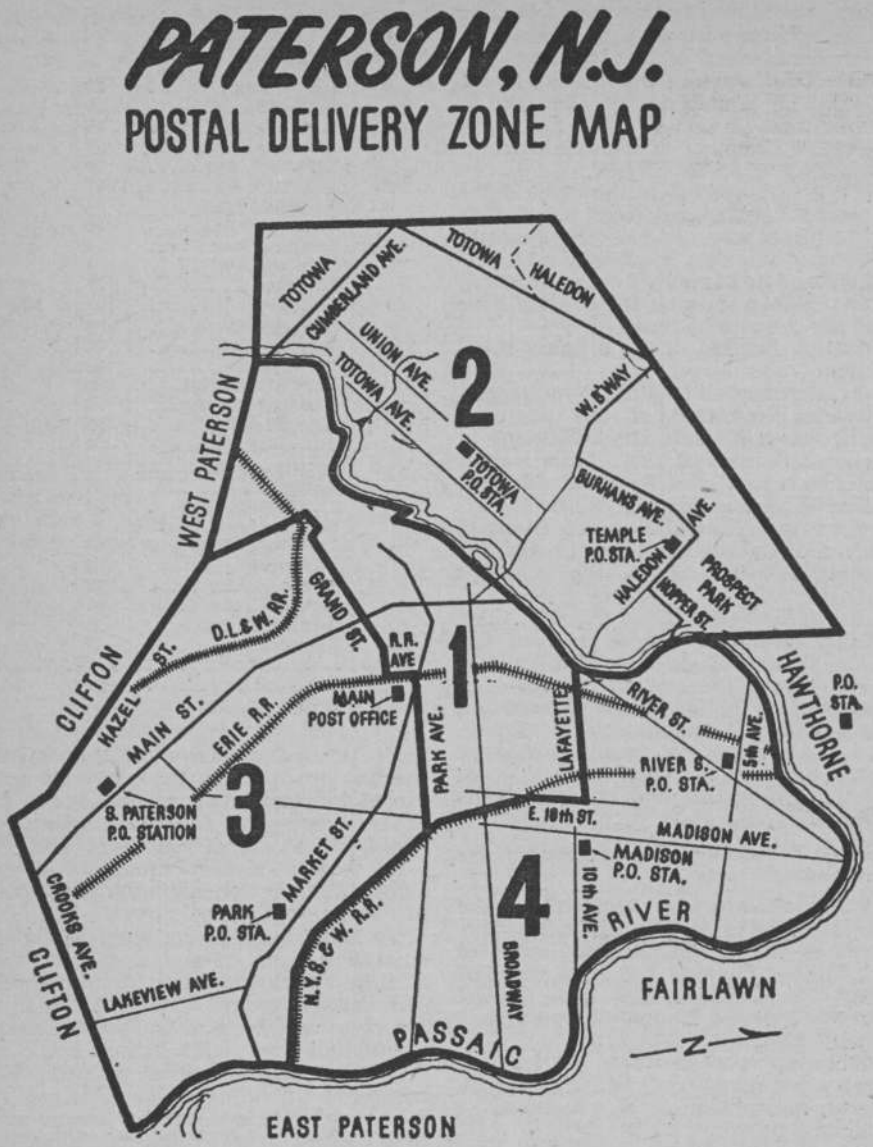
(4) When there are more than seven changes to a column, the entire column should be retyped on a plain sheet of paper in the same format as shown in subparagraph (3) of this paragraph.

(5) Named streets must be listed alphabetically. See subparagraph (3) of this paragraph.

(6) Numbered streets must be listed separately from named streets. They must be identified by number and listed in numerical order. The separate listing of numbered streets should follow the alphabetical street listing.

(7) House numbers of named and numbered streets need not be shown if the entire street is within the area of one zone. The house numbers must be shown if segments of the street are within the area of two or more zones or if the street extends into the delivery area of another post office. The word "Out" may be used after the initial house number if all higher numbers are within the same zone. The designation "Street" should not be shown; all other designations should be indicated.

(8) A postal zone map shall accompany the material. The map must be drawn in black ink to permit reproduction. Show the boundary streets, and label them in a manner that clearly indicates the zone to which they are addressed. Show a limited number of thoroughfares, rivers, and railroads. Show all zone numbers in clear, heavy numerals, without the word "Number" or "Zone." The size of the map submitted should not be less than 10 x 15 inches.



(9) Prepare index as shown below:

UNITED STATES POST OFFICE

POSTAL ZONE DIRECTORY

City, State

Page

Arcades ----------
Boxes ----------
Buildings ----------
Colleges ----------
Hospitals ----------
Hotels ----------
Named Streets----------
Numbered Streets----------
Zone Map----------
Zoned Offices---------- Back Inside Cover

(b) *Where to submit material.* The postmaster will send the material direct to the Bureau of Operations, Classification and Special Services Division, Washington 25, D.C. Eight weeks from the date of receipt in the Department are required to print and deliver the directory. Postmasters will order sufficient directories for 1 year's supply.

(c) *When to submit material.* Postmasters shall observe the following schedule in submitting material:

January through March

(Group 1)

Birmingham, Ala.	Denver, Colo.
Montgomery, Ala.	Bridgeport, Conn.
Phoenix, Ariz.	Hartford, Conn.
Berkeley, Calif.	New Haven, Conn.
Fresno, Calif.	Waterbury, Conn.
Glendale, Calif.	Wilmington, Del.
Long Beach, Calif.	Washington, D.C.
Los Angeles, Calif.	Jacksonville, Fla.
Oakland, Calif.	Miami, Fla.
Sacramento, Calif.	St. Petersburg, Fla.
San Diego, Calif.	Tampa, Fla.
San Francisco, Calif.	Atlanta, Ga.
San Jose, Calif.	Honolulu, Hawaii.
Stockton, Calif.	

April through June

(Group 2)

Chicago, Ill.	Worcester, Mass.
Evansville, Ind.	Detroit, Mich.
Indianapolis, Ind.	Flint, Mich.
South Bend, Ind.	Grand Rapids, Mich.
Des Moines, Iowa.	Lansing, Mich.
Sioux City, Iowa.	Duluth, Minn.
Kansas City, Kans.	Minneapolis, Minn.
Wichita, Kans.	Saint Paul, Minn.
Louisville, Ky.	Jackson, Miss.
Baton Rouge, La.	Kansas City, Mo.
New Orleans, La.	St. Louis, Mo.
Baltimore, Md.	Lincoln, Nebr.
Boston, Mass.	Omaha, Nebr.
Springfield, Mass.	

July through September

(Group 3)

Camden, N.J.	Trenton, N.J.
Jersey City, N.J.	Albany, N.Y.
Newark, N.J.	Brooklyn, N.Y.
Paterson, N.J.	Buffalo, N.Y.
Far Rockaway, N.Y.	Charlotte, N.C.
Flushing, N.Y.	Akron, Ohio.
Jamaica, N.Y.	Canton, Ohio.
Long Island City, N.Y.	Cincinnati, Ohio.
New York, N.Y.	Cleveland, Ohio.
Rochester, N.Y.	Columbus, Ohio.
Schenectady, N.Y.	Dayton, Ohio.
Staten Island, N.Y.	Toledo, Ohio.
Syracuse, N.Y.	Youngstown, Ohio.

October through December

(Group 4)

Oklahoma City, Okla.	Houston, Tex.
Tulsa, Okla.	San Antonio, Tex.
Portland, Oreg.	Salt Lake City, Utah.
Philadelphia, Pa.	Arlington, Va.
Pittsburgh, Pa.	Norfolk, Va.
Scranton, Pa.	Richmond, Va.
Providence, R.I.	Seattle, Wash.
Chattanooga, Tenn.	Spokane, Wash.
Knoxville, Tenn.	Tacoma, Wash.
Memphis, Tenn.	Charleston, W. Va.
Nashville, Tenn.	Huntington, W. Va.
Austin, Tex.	Madison, Wis.
Dallas, Tex.	Milwaukee, Wis.
Fort Worth, Tex.	

§ 18.5 Promotion of zone number usage.

(a) *Promotional campaign.* (1) The effectiveness of the postal delivery zone system depends on customer knowledge and use of delivery zone numbers as part of the address. The support of all postmasters, including those of unzoned cities, is necessary in conducting a continuous promotional campaign through newspapers, radio, civic and service clubs, business houses, churches, schools, and other institutions.

(2) Request should be made of all customers, including business houses, organizations, and publishers of magazines, newspapers, and periodicals, to include the zone number in addresses on all mail for delivery at zone offices.

(b) *Zoning of mailing lists.* Zone numbers will be added or corrected without charge on mailing lists of zone cities. The list should be printed or typed in either sheet or card form and submitted to the local postmaster for transmittal to the zone city. The lists should be wrapped for mailing and must bear the name and address of the owner. No postage is required, and the list will be returned by official mail. Gummed labels, wrappers, envelopes or postal or post cards indicative of one-time use will not be considered as mailing lists.

(c) *Cooperative premailing separation of second- and bulk third-class to individual zones.* The advantages of preseparation to zones should be brought to the attention of all permit holders and quantity mailers. The voluntary zone makeup of quantity mail has been advocated by publishers and direct mail advertisers as preferable to a mandatory provision, to assure the full benefit of the zone address.

(d) *Mail acceptance and pouch or sack opening units.* Provision must be made at those points associated with the acceptance of quantity mailings and with the opening of pouched or sacked mail for the prompt identification and handling of preseparated and bundled

zone mail. The full potential operating and service benefit is realized when mail bypasses a distribution operation.

(e) *Distribution of Notice 42, Postal Delivery Zone Notice.* (1) During March, June, September, and December of each year, the notice of the correct zone number shall be distributed to all city, rural, and post office box addresses in zoned areas.

(2) Notice 42 "Postal Delivery Zone Notice," shall be ordered from supply centers. Postmasters shall prepare a special requisition on Form 1580, *Requisition for Supplies*, and shall confine requests to their requirements for a 3-month period. Requisitions must be submitted to supply centers 20 days prior to the first week of the March, June, September, and December quarters. Supply centers will fill requisitions during the first 10 days of the months specified. This procedure shall be followed each quarter. These special requisitions shall be confined to Notice 42 requirements only, and no other forms or items shall be included.

(f) *Systematic inspection of mail.* A continuing review of incoming and outgoing mail should be established to identify volume mailers who are not including the zone number in the address. These mailers should be informed of the advantages of zone number usage.

(g) *Furnishing zone number information.* (1) Supplements to the official Postal Zone Directory must not be issued.

(2) Copies of the directory should be available on request to all local and nonlocal mailers.

(3) The directory must be furnished to all employees assigned to window services, information and inquiry duties, preparation of notice forms, and correction of mailing lists.

(4) Permit holders must be given a copy of the directory at the time mailing permit is issued.

(5) On revision of directory, copies should be issued to firms, schools, and quantity mailers.

SUBCHAPTER C—MAIL CLASSIFICATION AND RATES

PART 21—FIRST CLASS

Sec.

21.1 Rates.
21.2 Classification.
21.3 Weight and size limits.
21.4 Payment of postage.
21.5 Mail sent by members of the U.S. Armed Forces.
21.6 Ship letters.

AUTHORITY: §§ 21.1 to 21.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2502–2504, 2510, 4051, 4052, 4054, 4251–4254.

§ 21.1 Rates.

Kind of mail	Rate
All first-class mail except postal and post cards and drop letters.	4 cents per ounce or fraction of an ounce.
Drop letters	3 cents per ounce or fraction of an ounce.
Single postal cards and post cards.	3 cents each.
Double postal cards and post cards (reply portion of double post card does not have to bear postage when originally mailed).	6 cents (3 cents each portion).
Business reply mail (see §21.2(c)):	
Cards	5 cents each.
Other than cards:	
Weight not over 2 ounces	4 cents per ounce or fraction of an ounce plus 2 cents per piece.
Weight over 2 ounces	4 cents per ounce or fraction of an ounce plus 5 cents per piece.
Airmail	See § 26.1 of this chapter.

§ 21.2 Classification.

(a) *Description.* (1) First-class mail includes:

(i) Letters.

(ii) Postal and post cards.

(iii) Airmail weighing not to exceed 8 ounces whether sealed or unsealed.

(iv) All matter wholly or partly in writing, except authorized additions to second-, third-, and fourth-class mail.

(v) Matter sealed or closed against inspection. See §§ 16.2(e), 24.8(a), and 25.7 of this chapter for mailing of sealed publications at second-class rates of postage and sealed parcels at the third- or fourth-class rates of postage.

(2) The term "letters" includes all letters whether they are old or have previously passed through the mail, sent singly or in packages. *Exception:* Packages of letters, bills, and statements prepared at a central office of a concern that provides service at some other place, each bearing proper postage at the first-class rate and mailed to the post office at that place for local delivery, and packages of letters remailed unopened to the same addressee, may be sent at other than the first-class rate of postage.

(3) Two or more persons or firms, or a person acting as the agent of two or more persons or firms, may not mail in one envelope to a mutual customer the bills, statements of account, or other letters of the persons or firms. No two firms that are distinct entities may send their letters in one envelope even though they are affiliated or jointly owned.

(4) Applications for automobile, drivers', and other licenses are "letters" when sent for the purpose of obtaining a license. The application of each individual or company constitutes a separate letter. Applications of various persons may not be mailed in one package by a compensated representative of the applicants unless the package is endorsed on the outside to show the number of applications enclosed and enough postage is paid to cover the first-class rate on each application. Agents of the licensing authority may receive applications and forward them to any other office in a package with postage paid at the first-class rate computed on the bulk weight of the package.

(5) Drop letters are letters mailed for local delivery at post offices where free delivery by carrier is not established and that are not collected or delivered by rural or star-route carriers.

(6) Postal cards are sold by the post office at the postage value represented by the postage stamp printed on the card.

(7) Post cards are manufactured by private concerns and must conform to the following specifications:

(i) *Size.* Not larger than $3\frac{9}{16}$ by $5\frac{9}{16}$ inches, nor smaller than $2\frac{3}{4}$ by 4 inches.

NOTE: Effective January 1, 1963, this subdivision will read:

(i) *Size, shape, and ratio.* Not larger than $3\frac{9}{16}$ by $5\frac{9}{16}$ inches, nor smaller than 3 by $4\frac{1}{4}$ inches. Must be rectangular in shape. A ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) is not recommended. (See § 21.3(b) and § 24.3(b) of this chapter.)

(ii) *Material.* An unfolded piece of cardboard of approximately the quality and weight of a postal card. Thickness not less than 0.0085 or more than 0.0095 of an inch, and the cardboard to be uniform in thickness and as near 0.0090 as possible.

(iii) *Color.* Any light color that does not interfere with legible address and postmark.

These specifications apply to single post cards and each part of double post cards.

(8) Written matter includes:

(i) Handwritten or typewritten matter (including identical copies prepared by automatic typewriter), and manifold or carbon copies of such matter.

(ii) Imitations or reproductions of handwritten or typewritten matter, unless mailed at a point designated by the postmaster in a minimum quantity of 20 identical unsealed copies.

(iii) Manuscript or typewritten copy: See § 24.2(a)(1) of this chapter for manuscripts with proof sheets, and § 25.2(a)(4)(vi) and § 25.2(a)(5)(i)(*f*) of this chapter for certain other manuscripts.

(iv) Autograph albums containing writing.

(v) Notebooks or blank books containing written or typewritten entries or stenographic or shorthand notes.

(vi) Blank printed forms filled out in writing or with amounts due, signatures, or other writing such as notices, certificates, receipts, and checks either canceled or uncanceled.

(vii) Printed price lists containing written figures changing individual items.

(viii) Bills or statements of account produced by any photographic or mechanical process, unless presented in a minimum quantity of 20 identical unsealed copies. See § 24.2(a)(1) of this chapter.

(ix) Printed cards or letters bearing a written date, where the date is not the date of the card but gives information as to when something will occur or has occurred.

(x) Printed cards or coupons that, by having a signature attached, are converted into personal communications, such as receipts and orders. (This does not apply to Christmas or similar printed greeting cards.)

(xi) Punched tabulating cards that convey information, unless presented in

a minimum quantity of 20 identically punched cards.

(xii) Identical communications entirely in print, excepting the name of the sender, sent by several persons to the same addressee.

(9) Sealed matter includes mail of any class so wrapped as not to be easily examined, except second-, third- or fourth-class matter sealed subject to postal inspection (see §§ 16.2, 24.8, and 25.7 of this chapter).

(b) *Use of postal and post cards.* (1) Double postal and post cards are two attached cards, one of which is to be detached by the receiver and returned through the mail as a reply. The following rules apply to double cards:

(i) Double cards must be folded before mailing and the first half detached when the reply half is mailed for return. If the first half is not detached when the reply half is mailed for return, the card is subject to the letter rate of postage.

(ii) The reply portion of a double card must be used for reply purposes only; it must not be used to convey a message to the original addressee of the double card, to cover up the message on the original portion, or to send statements of account.

(iii) Double cards must be prepared so that the address on the reply portion is on the inside when the double card is mailed.

(iv) Plain stickers or seals or a single wire stitch may be used to fasten the edges, provided they are so fixed that the inner folds of the cards can be readily examined.

(v) Enclosures are prohibited.

(2) Additions to postal cards and post cards are limited to the following:

(i) The face of the card may be divided by a vertical line, the left half of the card to be used for the message and the right half for the address only.

(ii) The message on a single card, or on the first portion of a double card, may consist of advertising, illustrations, or any kind of writing, and may occupy the space to the left of the vertical line and the entire back of the card.

(iii) Very thin sheets of paper may be attached to the card, provided they are completely stuck to it.

(3) Post cards not conforming with prescribed specifications and bearing a message wholly or partly in writing or the words "Post Card" or "Private Mailing Card" are charged the letter rate. If entirely in print and without the words "Post Card" or "Private Mailing Card," they are charged the third-class rate.

(4) Stamps on cards enclosed in outer wrappers may not apply as postage on the mailing piece.

(c) *Business reply mail*—(1) *Purpose.* Specially printed business reply cards, envelopes, cartons, and labels may be distributed for use by mailers in sending mail to the distributor without prepayment of postage.

(2) *Permit.* (i) A permit to distribute business reply cards, envelopes, cartons and labels is required. An application on Form 3614, "Application to Distribute Business Reply Cards, Envelopes, and Labels", must be submitted at the post office where the mail will be returned. There is no charge for the permit. If matter bearing the business reply imprint is distributed from a central office to be returned to branches or dealers in other cities, one permit obtained from the post office where the central office is located may be used to cover all the business reply mail.

(ii) On receipt of the application, the postmaster will complete the permit portion of the form and deliver it to the applicant. The application portion of the form will be filed in the post office by the permit number. Permits issued at each post office will be numbered consecutively starting with No. 1 for the first permit. Each post office will keep an alphabetical card record of each permit.

(3) *Postage.* (i) Postage is collected on each piece of business reply mail at the time it is delivered. Postage due stamps for the amount due will be affixed to the mail or to Form 3582–A, Postage Due Bill. The stamps will be canceled and delivered to the addressee with the mail when he pays the amount due. Business reply mail will not be mixed with other mail in direct packages or sacks for individuals or concerns.

(ii) The amount to be collected, which may not include fees for any special services, is computed as follows:

(*a*) *Post cards.* The rate for post cards or air post cards, whichever is applicable, plus 2 cents each. (See §§ 21.1 and 26.1 of this chapter.) Cards that do not conform to the specifications for post cards (paragraph (a) (7) of this section) are subject to the postage chargeable under (*b*) of this subdivision.

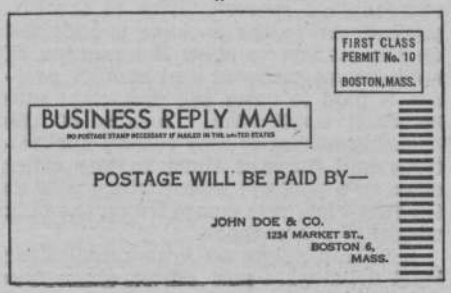
(*b*) *Envelopes and packages.* (*1*) Weight of piece not over two ounces; First-class or airmail rate of postage, whichever is applicable, plus 2 cents each. (See §§ 21.1 and 26.1 of this chapter.)

(*2*) Weight of piece over two ounces: First-class or airmail rate, whichever is applicable, plus 5 cents each. (See §§ 21.1 and 26.1 of this chapter.)

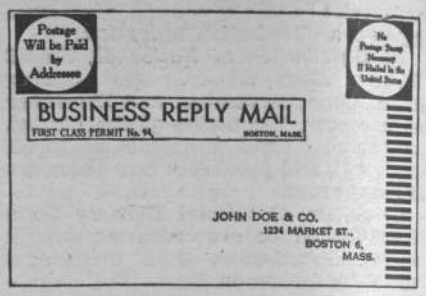
(4) *Form of imprint and address.* The card, envelope, carton or label must be printed on the address side in one of the forms illustrated. The addition of extraneous matter is not permitted.

SURFACE MAIL

A



B



AIR MAIL

C

Use alternating red and blue parallelograms for the border.

(5) *Distribution.* Business reply cards, envelopes, cartons, and labels may be distributed:

(i) In any quantity for return by surface or airmail. When prepared by the distributor for return by surface mail, business reply mail may not be accepted for return by air unless postage is fully prepaid at the airmail rate.

(ii) To any post office in the United States and its Territories and possessions, including military post offices overseas; except in the Canal Zone, where they may not be returned without prepayment of postage. They should not be sent to any foreign country.

(iii) In any manner except by depositing in receptacles provided by patrons for receipt of mail.

(6) *Responsibility of distributor.* The distributor guarantees payment on delivery of postage on returned business reply mail. Any concern distributing business reply cards, envelopes, cartons or labels under one permit for return to its branches or dealers, guarantees to pay postage on any returns refused by any authorized addressee.

§ 21.3 Weight and size limits.

(a) *Weight.* Maximum limits same as for fourth-class mail. (See § 25.3(a) of this chapter.)

(b) *Size.* No limit.

NOTE: Effective January 1, 1963, this paragraph will read:

(b) *Size, shape, ratio, and sealing.* There is no maximum limit of size. The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the first-class postage rate:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

(4) Pieces which are not sealed or secured on all four edges so that they may be handled by machines are not recommended.

§ 21.4 Payment of postage.

Postage may be paid by:

(a) Adhesive stamps.
(b) Stamped cards or envelopes.
(c) Meter stamps.
(d) Permit imprints.

§ 21.5 Mail sent by members of the U.S. Armed Forces.

Letters sent by soldiers, sailors, airmen, and marines in the United States military service located in the United States or other places where United States domestic mail service operates, addressed to places in the United States, may be dispatched for collection on delivery, under the following conditions:

(a) The address side of the letter must be marked "Soldier's Letter", "Airman's Letter", "Sailor's Letter", or "Marine's Letter", as appropriate.

(b) Under the marking, the letter must bear the signature and official designation, either with facsimile handstamp or in writing, of a commissioned officer to whose command the soldier or airman belongs, or of a surgeon or chaplain at a hospital where he is; and in the Navy and Marine service of a commissioned officer attached to the vessel on which the member is serving, or an officer commanding a hospital or detachment ashore where he is.

(c) Postage, at single rate for each ounce or fraction, is collected on delivery.

§ 21.6 Ship letters.

(a) *Vessels not regular mail carriers.* Letters for delivery in the United States, carried by vessels not regularly employed in carrying the mail, are charged double rate of postage, to cover the fee paid to the vessel. The postage may be collected at the office of delivery or prepaid with United States postage stamps.

(b) *Vessels operating over post road.* Letters and packages carried from one port to another in the United States over a water route that is wholly a post road by law, in a private ship or vessel, are charged single rate of postage. If part of the water route is not a post road, double rates of postage are charged.

(c) *Delivery by the master of a vessel.* Wholly unpaid printed matter delivered to the post office by the master of a vessel arriving from a foreign port and not regularly engaged in carrying mail, is charged with double the third-class rate of domestic postage, to be collected on delivery, and dispatched to its destination.

PART 22—SECOND CLASS

Sec.
22.1 Rates.
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AUTHORITY: §§ 22.1 to 22.8 issued under R.S. 161, as amended, Sec. 7, 74 Stat. 704, 705; 5 U.S.C. 22, 18 U.S.C. 1733, 1734, 39 U.S.C. 501, 505, 2302, 4058, 4351–4370.

§ 22.1 Rates.

(a) *Within the county of publication.* (1) For delivery at office of mailing having city or village letter-carrier service (and for delivery at publishers' headquarters office except when second-class zone rates are higher):

(i) By carrier:

Weekly newspapers (minimum ⅛ cent per copy): 1 cent per pound.

Newspapers issued more often than weekly: 1 cent per copy.

Periodicals (all publications issued less frequently than weekly): Copies weighing 2 ounces or less: 1 cent per copy. Copies weighing over 2 ounces, any weight: 2 cents per copy.

(ii) Through post-office boxes or general delivery, and for delivery by rural or star-route carriers (minimum ⅛ cent per copy): 1 cent per pound.

(2) For delivery at offices having city or village letter-carrier service other than the office of mailing (minimum ⅛ cent per copy): 1 cent per pound.

(3) For delivery at all offices including office of mailing not having city or village letter-carrier service:

(i) If publication is printed in whole or in part in the county, one copy to each subscriber residing within the county: Free.

(ii) If publication is not printed in whole or in part in the county (minimum ⅛ cent per copy): 1 cent per pound.

(b) *Outside the county of publication* (1) *All publications, except those accepted at the special rate or classroom rate.*

	Cents per pound
Nonadvertising portion	2.5
Advertising portion:	
First and second zones	3
Third zone	4
Fourth zone	6
Fifth zone	8
Sixth zone	10
Seventh zone	12
Eighth zone	14

If the total postage computed at these pound rates does not amount to ½ cent per copy or more, postage must be computed at the minimum rate of ½ cent per copy. (See paragraph (g) of this section.)

(2) *Special rate publications.* Issued by religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, when specifically authorized by the Department: Reading and advertising portions combined: 1½ cents per pound (minimum ⅛ cent per copy).

(3) *Classroom publications.* Religious, educational, or scientific publications designed specifically for use in school classroom or in religious instruction classes (minimum ⅛ cent per copy):

	Cents per pound
Nonadvertising portion	1.5
Advertising portion:	
First and second zone	1.5
Third zone	2
Fourth zone	3
Fifth zone	4
Sixth zone	5
Seventh zone	6
Eighth zone	7

(c) *Transient rate.*

1. Copies mailed by public.
2. Sample copies in excess of 10 percent allowance.
3. Copies to persons not included in list of subscribers.

} 2 cents for first 2 ounces; 1 cent each additional ounce or fraction thereof, or the fourth-class rate, whichever is lower.

(d) *Second-class rates to other countries.* See § 112.4(a)(1)(ii) of this chapter.

(e) *Bulk weight.* The pound rates are computed on the bulk weight of the mailings of each issue. There is no limit of weight for second-class mail to domestic destinations. See § 112.4(b) of this chapter for weight limits to other countries.

(f) *Who pays.* Postage at the transient rate must be paid on all copies mailed by the general public. Only publishers and registered news agents may mail at the other second-class rates.

(g) *Minimum rate.* The minimum rate is computed on individually addressed copies or pieces. Bundles of unaddressed copies to which the minimum rate will not apply should be declared on separate Form 3542 "Statement showing number of copies of second-class publication mailed."

§ 22.2 Qualifications for second-class privileges.

(a) *What may qualify*—(1) *Mailable publications.* Only newspapers and other periodical publications may be mailed at the second-class rates. The copies may not contain obscene, treasonable, lottery, or other kinds of material that would cause them to be nonmailable under the provisions of Part 14 of this chapter.

(2) *With or without general advertising.* All publications that meet the basic qualifications explained in paragraph (b) of this section may carry general advertising. The publications of the institutions and societies specifically named in paragraph (c) of this section must meet all the basic qualifications except the requirement of a paid subscription list. They are excused from having a paid list only when they do not carry general advertising. Those which carry general advertising must have a paid list.

(b) *Basic qualifications*—(1) *Regular issuance.* Publishers must determine the number of issues they will publish each year and adopt a statement of frequency that will show at what regular intervals the issues will appear. Examples of statements of frequency are:

Daily.
Weekly.
Monthly.
Quarterly.
Monthly except during July and August.
Semiweekly.
Biweekly.
Semimonthly.
Weekly during school year.
Four times a year in January, February, October, and November.

A publication may not be published under a frequency that provides for less than four issues each year. Issues must be published regularly as called for by the statement of frequency. Publishers may change the number of issues scheduled, and adopt a new statement of frequency by filing an application for second-class reentry. (See § 22.3 (d).)

(2) *Issuance at known office.* Publications must be issued and mailed at a known office or place of publication. A known office or place of publication is a public office where the business of the publication is transacted during the usual business hours. The office must be maintained at the place where second-class mail privileges are originally authorized. Offices for the transaction of business may be maintained at more than one place, but mailings may be accepted at the second-class pound rates only at the post offices where original or additional mail privileges have been authorized.

(3) *Preparation.* Publications must be formed of printed sheets. They may not be produced by stencil, mimeograph, or hectograph process or in imitation of typewriting.

(4) *Contents.* Publications must be originated and published for the purpose of disseminating information of a public character, or they must be devoted to literature, the sciences, art, or some special industry.

(5) *List of subscribers.* Publications must have a legitimate list of persons who have subscribed by paying or promising to pay for copies to be received during a stated time.

(6) *Advertising publications.* Publications designed primarily for advertising purposes may not qualify for second-class privileges. They include:

(i) Those having advertising in excess of 75 percent in more than one-half of their issues during any 12-month period.

(ii) Those owned or controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(iii) Those that consist principally of advertising and editorial write-ups of the advertisers.

(iv) Those that consist principally of advertising and that have only a token list of subscribers, the circulation being mainly free.

(v) Those that have only a token list of subscribers and that print advertisements free for advertisers who pay for copies to be sent to a list of persons furnished by the advertisers.

(vi) Those published under a license from individuals or institutions and that feature other businesses of the licensor.

(7) *Free circulation publications.* Publications designed primarily for free circulation may not qualify for second-class privileges. Publications are designed primarily for free circulation when the total number of copies furnished during any 12-month period to legitimate paid subscribers (see subparagraph (5) of this paragraph) and to the purchasers of single copies constitutes less than 65 per centum of the total number of copies distributed by mail at the second-class pound rates or the transient rate, by the publishers' carriers, and by other means for any purpose. See § 22.3 (a) (1).

NOTE: The 65 per centum paid circulation standard established by this paragraph is effective upon publication. Publications which do not meet this standard but which now have second-class permits must maintain at least 55 per centum paid circulation until December 31, 1961, after which date the 65 per centum standard must be complied with.

(8) *Nominal rate publications.* Publications designed primarily for circulation at nominal rates may not qualify for second-class privileges. They include those for which subscriptions are sold:

(i) At a token subscription price that is so low that it cannot be considered a material consideration.

(ii) At a reduction to the subscriber, under a premium offer or any other arrangements, of more than 50 percent of the regular advertised annual subscription price. The value of a premium is considered to be its actual cost to the publisher, the recognized retail value, or the represented value, whichever is highest.

(c) *Publications of institutions and societies.* (1) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising and not under any conditions the advertising of other persons, institutions, or concerns: By a regularly incorporated institution of learning, a regularly established State institution of learning supported in whole or in part by public taxation, including bulletins issued by State boards of health, State conservation and fish and game agencies or departments, and State boards or departments of public charities and corrections.

(2) Publications that do not have subscribers and that are issued as follows may contain only the publishers' own advertising: By or under the auspices of a benevolent or fraternal society or order organized under the lodge system and having an actual membership of not less than 1,000 persons, or of a trades-union; or as the publications of strictly professional, literary, historical, or scientific societies; or by churches and church organizations.

These publications may also contain advertising of other persons, institutions, or concerns, under the following conditions:

(i) The publication must not be designed or published primarily for advertising purposes.

(ii) The publication must be originated and published to further the objects and purposes of the society.

(iii) The circulation must be limited to copies mailed to members who pay either as a part of their dues or assessments, or otherwise, not less than 50 percent of the regular subscription price; to other actual subscribers; to exchanges; and 10 percent of such circulation as sample copies.

(iv) When members pay for their subscriptions as a part of their dues or assessments, individual subscriptions or receipts are not required.

(3) Periodical publications issued by State departments of agriculture may not contain advertising and must be published for the purpose of furthering the objects of the departments.

(d) *Foreign newspapers and periodicals.* Foreign newspapers and periodicals must be of the same general character as those classified as second-class in the United States, and must not violate any copyright granted by the United States.

(e) *Identification statements in copies.* Copies of publications must be identified as second-class mail by having the following items printed on one of the first five pages in a position where they may be easily located by postal employees and other interested persons:

(1) Name of publication: The name of the publication must be shown on the front in a position and in a style and size of type that will make it clearly distinguishable from the name of the publisher or other items on the front.

(2) Date of issue.

(3) Statement of frequency.

(4) Issue number: The copies of each issue must be numbered consecutively. The consecutive numbering of published issues may not be broken by assigning numbers to issues unavoidably omitted.

(5) Subscription price if the publication has one.

(6) Name of known office or place of publication, including street and number when there is letter-carrier service, must be printed in a position or in a style and size of type or with a designation that will make it clearly distinguishable from the names of other offices of the publication. When there is not a post office at the place where published, the name of the post office where mailed must be shown as the office or place of publication. Addresses in mastheads and date lines must be printed so they will clearly show where change of address notices, undeliverable copies, orders for subscriptions, and other mail items are to be sent. See § 16.2(f) of this chapter.

(7) Second-class imprint, reading: Second-class postage paid at _____. When a publication is mailed at two or more offices the imprint must read Second-class postage paid at _____ and at additional mailing offices.

(8) Notice of pending application, when copies are mailed while an application is pending, reading: Application to mail at second-class postage rates is pending at _____.

§ 22.3 Application for second-class privileges.

(a) *Applications for publications and news agents that do not have second-class privileges.* An application must be filed by the publisher before a publication may be mailed at the second-class

rates. Two copies of the issue described in the application must also be filed. When one-half or more of the total copies distributed are purchased by news agents for resale or are consigned to news agents for sale, two copies each of at least four issues must be filed before an application is either approved or disapproved, to demonstrate compliance with the requirement for regular issuance at least four times each year. See § 22.2(b)(1). If the publication is printed in a foreign language, a brief translation of the contents of the copies must be furnished. A synopsis of each article and advertisement is usually sufficient. News agents must file applications before they may mail second-class publications at the second-class rates. Copies of all application forms may be obtained from local postmasters. The headings on the forms describe what information must be furnished by publishers and news agents. Use the following forms:

(1) File application Form 3501, "Application for Second-Class Mail Privileges", for second-class mail privileges for a publication that meets the basic qualifications at the post office of the place where the known office of publication is located. When one-half or more of the total copies distributed are purchased by news agents for resale, or are consigned to news agents for sale, postmasters will not accept an application on Form 3501, unless the publisher has completed the application by furnishing all of the information called for by questions 30 and 31.

(2) File application Form 3502, "Application for Second-Class Mail Privileges", for second-class mail privileges for a publication of an institution or society that does not meet the basic qualifications at the post office of the place where the known place of publication is located.

(3) File application Form 3501–A, "Application to Mail Publications at Second-Class Rates", for permission to mail foreign publications in the United States at the post office at which the copies are to be mailed.

(4) File application Form 3501–A for registry of a person or firm as a news agent with the privilege of mailing second-class publications at the post office where mailings are to be made.

(b) *Acceptance after application is filed.* Publishers or news agents may not mail at the second-class rates until the application for second-class privileges is approved by the Director, Classification and Special Services Division, Bureau of Operations. See paragraph (f) of this section. Postmasters may not accept mailings at the second-class rates until they receive a written authorization from the Director, Classification and Special Services Division. Postage at the applicable third- or fourth-class rates may be paid in money on mailings made while an application is pending. The postmaster will keep a record of such mailings on Form 3503, "Temporary Permit Conditionally Accepting Newspapers and Other Publications for Mailing in the Manner in Which Second-Class Matter Is Mailed", and if second-class privileges are authorized by the Director, Classification and Special Services Division, he will be instructed to return to the publishers or news agents the difference between the third- or fourth-class rates and the second-class rates. Form 3503 will not be kept and the difference will not be returned when postage is paid by stamps affixed.

(c) *Applications for publications that have second-class privileges.* After a publication has obtained second-class mail privileges, applications may be filed for the following additional privileges:

(1) Publishers of newspapers or periodicals of nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organizations or associations may file applications by letter to the postmaster for the special rate. See § 22.1 (b) (2). They must submit evidence to establish their nonprofit status, and to show that they come within one of the categories stated.

(2) Publishers of religious, educational, or scientific publications designed for use in school classrooms or in religious instruction classes may file applications by letter to the postmaster for the special rates for such publications. See § 22.1(b)(3). They must also submit evidence showing that their publications are of this character and for the uses stated.

(3) If a publisher desires to mail copies at another office in addition to the one where he has second-class mail privileges, he may file a written application stating the approximate number and weight of copies to be mailed at the additional office, and the territory to be served. A form is not provided for this kind of application. The application must be filed at the office where the second-class mail privileges were originally obtained. If the additional entry is authorized, all copies for delivery at the original office must be mailed there, and all copies for delivery at the additional office must be mailed at that office.

(4) An application to deliver copies of a second-class publication at the publishers' expense and risk to other post offices or elsewhere may be filed by the publisher at the office where the publication has second-class mail privileges. A form is not provided for this kind of application. (See § 16.3(f) of this chapter.)

(d) *Reentry because of change in name, frequency, or location.* When the name or frequency is changed, an application for reentry must be filed on Form 3510 "Application for Re-entry of Second-Class Publication," at the post office of original entry, accompanied by two copies of the publication showing the new name or frequency. When the location is changed, an application for reentry must be filed on Form 3510 at the new office, accompanied by two copies of the publication showing the name of the new office as the known office or place of publication. Copies of second-class publications will be accepted for mailing at the second-class postage rates during the time applications for their reentry are pending. Copies of Form 3510 may be obtained from local postmasters.

(e) *Fees.* The fees to accompany applications for second-class original entry, reentry, or additional entry, or for registration as a news agent, are:

Kind	*Amount*
Original entry—circulation not more than 2,000	$25
Original entry—circulation 2,001 to 5,000	50
Original entry—circulation 5,001 and over	100
News-agent registry	20
Reentry because of change in title, frequency of issue, office of publication, or other reasons	10
Additional entry	10

If an application for original second-class entry is denied, one-half of the fee is returned to the publisher.

(f) *Granting or denial of application.* The Director, Classification and Special Services Division, Bureau of Operations, rules on all applications. If he grants the application, he notifies the postmaster at the office where the application for original entry was filed, who in turn notifies the applicant. Before taking action on an application, the Director may call on the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish the information requested may be cause for denial of the application as incomplete or, on its face, not fulfilling the requirements for entry. If the Director denies the application, he must notify the publisher specifying the reasons for the denial. The denial becomes effective in 15 days from receipt of the notice by the publisher unless the publisher appeals therefrom. See § 22.8(c).

§ 22.4 What may be mailed at the second-class rates.

(a) *Complete copies.* Copies of the regular issues containing all of the pages may be mailed at the second-class rates. Incomplete copies having pages or portions of pages removed must be charged with postage at the third- or fourth-class rates.

(b) *Editions or issues.* The following kinds of extra or special editions or issues may be mailed at the second-class rates:

(1) Extra issues or editions issued for the purpose of communicating additional news and information received too late for insertion in the regular edition and not for advertising purposes.

(2) Separate editions of the issues of a second-class publication. Separate publications will not be accepted as editions.

(3) Special issues containing annual reports, directories, lists, and similar text but the copies may not be distinguished from the regular issues by bearing designations which indicate they are annuals, directories, catalogs, yearbooks, or other types of separate publications. The regular annual subscription price must include the copies of the special issues.

(c) *Back numbers and reprints.* The following kinds of back numbers and reprints may be mailed at the second-class rates:

(1) Unbound copies of back numbers as long as entry is in effect.

(2) Unbound reprint copies of daily publications printed within one week after the date of issue.

(3) Unbound reprint copies of other than daily publications printed before the next issue is printed.

Other reprints and bound back numbers are charged with postage at the third- or fourth-class rates.

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) A supplement must bear the title of the publication preceded by the words "Supplement to".

(3) Supplements must be folded and mailed with the regular issue.

(4) Independent publications may not be inserted in publications as supplements.

(5) Bound periodicals must observe the provisions of paragraph (i) of this section.

(e) *Parts or sections.* (1) The regular pages of publications may be prepared in parts or sections. Enclosures prohibited as supplements may not be prepared as parts or sections.

(2) Each part or section must show the title of the publication.

(3) The number of parts or sections in which the issue is published must be stated on the first page of the first part or section.

(4) Publishers must pay at a rate that is not nominal for parts or sections produced by others. The parts or sections may not be issued by or for advertisers. Publishers must submit to the Bureau of Operations, Classification and Special Services Division contracts entered into with producers of parts or sections.

(f) *Copies not paid for by the addressee*—(1) *Sample copies.* (i) Complete copies of regular issues or editions may be mailed as samples at the second-class pound rates.

(ii) Samples may be mailed at any time during a calendar year to the extent of 10 percent of the total estimated weight of copies to be mailed to subscribers during the calendar year.

(iii) The words "Sample Copy" must be shown on the address side of the envelopes or wrappers or the outside cover of unwrapped copies.

(iv) Samples may not be accepted free of postage under the free-in-county mailing privilege.

(v) The transient second-class rate must be paid on samples mailed in excess of the 10 percent limit.

(vi) Copies mailed for advertising purposes under arrangements with advertisers or others and copies mailed by a publisher acting as an agent for an advertiser may not be mailed as samples.

(vii) Sample copies may be mailed to boxholders with each copy addressed in the simplified manner shown in § 13.4(a) of this chapter. Copies so addressed and marked "Sample Copy" must be mailed to each boxholder on the rural or star route or to each boxholder at post offices not having city letter-carrier service. Copies may not be mailed only to nonsubscriber boxholders. All copies mailed in this manner are considered as samples even though some boxholders are subscribers. Such copies are individually addressed copies.

(2) *Copies paid for by advertisers.* Copies paid for by advertisers or others for advertising purposes, may be mailed only at the transient second-class rate. When copies are being furnished free to the addressees, publishers may be required to inform the postmaster the purpose for sending the copies, the amount that the publisher received for the copies, and whether the purchaser is an advertiser.

(3) *Copies paid for as gifts.* A minor portion of the subscription list may consist of persons whose subscriptions were paid for as gifts. Subscriptions paid for by advertisers or other interested persons to promote their own interests are not gift subscriptions.

(4) *Exchange copies.* A minor portion of the subscription list may consist of publishers to whom exchange copies are sent, one copy for another.

(5) *Expired subscriptions.* Copies will be accepted at the pound rates of postage for a period of 6 months after a subscription has expired, if the publisher attempts during the 6 months to obtain payment or a promise to pay for a renewal. Postage at the transient second-class rate will be charged on copies sent after 6 months to persons who have not renewed.

(6) *Advertisers' proof copies.* One complete copy of each issue may be mailed at the pound rates to each advertiser in the issue to prove that the advertisements have been printed.

(7) *Mailed by printer.* Copies sent by a printer to a publisher are chargeable with postage at the third- or fourth-class rate, whichever is applicable, according to the physical characteristics of the publication and the weight of the package or parcel.

(g) *Advertiser's proof sheets.* Single sheets or portions of sheets sent to an advertiser or his agent as proof of insertion of an advertisement must be enclosed in unsealed envelopes or wrappers bearing in the upper left corner the printed inscription "Advertiser's proof copy" and in the upper right corner a second-class imprint. See § 22.2(e)(7) of this chapter.

(h) *Enclosures, additions, and novelty pages*—(1) *Enclosures.* Bills, receipts, and orders for subscriptions may be enclosed either loose or bound in. No other enclosures are permitted. They may be prepared in the following ways:

(i) Printed or written.

(ii) Printed on cards and envelopes, including business replies.

(iii) Arranged to include coin receptacles.

(iv) Arranged as combination forms for two or more second-class publications issued by the same publisher.

(2) *Additions.* Additions consist of words that may be added to the copies after they are printed or that may be placed on the envelopes or wrappers in which the copies are mailed. Only the following additions may be made:

(i) Name and address of the person to whom copies are sent.

(ii) Index figures of subscription book, either printed or written.

(iii) Printed title of publication and place of its publication.

(iv) Printed or written name and address without addition of advertisement of the publisher or sender, or both.

(v) Written or printed words or figures, or both, indicating the date on which the subscription will end.

(vi) Correction of any typographical error.

(vii) A mark, except by written or printed words, to designate a word or passage to which it is desired to call attention.

(viii) The words "Sample Copy" when the copies are sent as samples.

(ix) The words "Marked Copy" when the copies contain a marked item or article.

(x) A pledge to pay forwarding or return postage on copies undeliverable as addressed.

(xi) The number of copies enclosed may be shown on the wrapper or face of a package.

(3) *Novelty pages.* Novelty pages are printed sheets that may be used for purposes other than reading, or printed sheets with novel characteristics. Novelty pages must be prepared specifically for and intended as integral pages of newspapers or other periodical publications. Blank sheets may not be carried as pages. The total number of novelty pages in the copies may constitute only a minor portion of the total pages. An excessive use of novelty pages may give a publication the characteristics, both as to format and purpose, of books, catalogs, or other third- or fourth-class mail. The following kinds of pages are examples of novelty pages that may be included in second-class publications:

(i) Printed pages bearing words, perforations, or symbols indicating they are for detachment.

(ii) Pages having printed pictures for cutting out.

(iii) Printed pages having blank spaces for writing or marking in.

(iv) Pages having printed illustrations pasted to them.

(v) Pages with coupons or application or order forms occupying not more than one-half of the page.

(i) *Advertisements.* All advertisements in periodicals must be permanently attached. Pagination is not required in periodicals, but when any pages are paginated, either by numbers, alphabetical letters, or a combination of both, all pages must be paginated, or allowed for in sequence in such manner as to indicate that pages containing advertisements are an integral part of the periodical, or of its separate editions, rather than an independent publication. Independent publications may not be inserted in periodicals as advertisements. The physical makeup of advertisements may include such features as the following:

(1) Different advertisements may occupy the same space in different copies of the same issue.

(2) Pages of advertisements may not be smaller than one-eighth of the size of the regular pages when they include coupons or application or order forms occupying one-half or less of the page as permitted by paragraph (h) (3) (v) of this section.

(3) Advertisements larger than the regular pages may be prepared for folding out horizontally, vertically, or both.

(4) Advertisements may be die-cut or deckle-edged.

(5) Multiple page advertisements may be prepared for detachment as permitted by paragraph (h) (3) (iii) (*a*) of this section and may be held together by staples or other means separate from and in addition to the regular binding of the periodical.

(6) Advertisements may be printed upon sheets of paper, cellophane, foil, and other similar material.

(7) Advertisements may include statements that they are printed on the product or by means of the product of the advertiser.

§ 22.5 Second-class mailing privilege for news agents.

(a) *Definition.* News agents are persons or concerns engaged in selling two or more second-class publications published by more than one publisher.

(b) *Information required from news agents.* News agents must furnish postmasters evidence that copies of publications offered for mailing are entitled to second-class postage rates, and that they are sent to actual subscribers or to other news agents for the purpose of sale. A second-class imprint in the copies in sufficient evidence that a publication is entitled to be mailed at second-class rates. The addresses on bulk packages must show that the packages are sent to other news agents.

(c) *Remailing without payment of postage.* A news agent may not remove packages of copies from a post office, write an address on each copy, and return them to the office for dispatch or delivery without paying additional postage, except when the publication is entitled to free-in-county mail privileges.

(d) *When subject to transient second class rates.* Unsold copies returned to publishers or other news agents, or copies sent to other news agents except for purpose of sale, or to persons not having subscriptions with the news agent, are subject to the transient second-class rate.

(e) *Return of portions of unsold publications.* The head or small portions of publications returned to publishers to show that copies have not been sold are subject to postage at third- or fourth-class rates according to weight.

§ 22.6 Sworn ownership and circulation statements.

(a) *Requirements.* The editor, publisher, business manager, or owner of a publication entered as second-class mail shall file with the Postmaster General and publish in the second issue thereafter of the publication to which it relates a sworn statement on forms furnished by the Postmaster General on or before the first day of October of each year setting forth:

(1) The names and post office addresses of the editor and managing editor, publisher, business managers, and owners;

(2) The name of the corporation and the stockholders thereof if the publication is owned by a corporation;

(3) The names of known bondholders, mortgagees, or other security holders; and

(4) The average number of copies of each issue of the publication sold or distributed through the mails or otherwise distributed to paid subscribers during the preceding 12 months.

The sworn statement need not include the names of persons owning less than 1 per centum of the total amount of stock, bonds, mortgages, or other securities. The Postmaster General shall deny the privilege of second-class mail to a publication which fails to comply with the provisions of this paragraph within ten days after notice by registered mail or by certified mail of the failure. This paragraph is not applicable to religious, fraternal, temperance, scientific, or similar publications. (Pub. Law 86–513; 74 Stat. 208.)

(b) *Procedures.* The statement must be filed on Form 3526, "Annual statement of newspaper ownership, management, and circulation," in duplicate at the post office where the original second-class permit is authorized. One copy of the issue in which the statement is published must be filed with Forms 3526. Postmasters will furnish copies of Form 3526 to publishers at least 10 days prior to October 1, each year.

§ 22.7 Marking of paid reading matter.

Editorial or other reading matter contained in publications entered as second-class mail and for the publication of which a valuable consideration is paid, accepted, or promised shall be marked plainly advertisement by the publisher. Whoever, being an editor or publisher, prints in a publication entered as second-class mail editorial or other reading matter for which he has been paid or promised a valuable consideration, without plainly marking the same advertisement, shall be fined not more than $500. (Pub. Law 86–513; 74 Stat. 208)

§ 22.8 Cancellation of second-class privileges.

(a) Second-class mail privileges, accorded any publications will not be suspended or annulled until a hearing shall have been granted to the parties interested (39 U.S.C. 4352).

(b) The Director, Classification and Special Services Division, Bureau of Operations, makes determinations concerning the suspension or revocation of a second-class entry subject to appeal and hearing requested by the publisher. He may call on a publisher from time to time to submit information bearing on the publisher's right to retain a second-class entry for his publication. When the Director determines that a publication is no longer entitled to its second-class entry, he issues a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons therefor. The ruling becomes effective in 15 days from receipt by the publisher unless the publisher appeals therefrom. See paragraph (c) of this section.

(c) A copy of the procedures governing administrative appeals and hearings relative to the denial, suspension, or annulment of second-class mail privileges may be obtained from the Director, Classification and Special Services Division, Bureau of Operations. (See Part 204 of this chapter for the Rules of Practice in Proceedings Relative to the Denial, Suspension or Annulment of Second-Class Mail Privileges.)

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

Sec.
23.1 Rates.
23.2 Permits.
23.3 Identification statements.
23.4 Filing of marked copy.
23.5 Enclosures.

AUTHORITY: §§ 23.1 to 23.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4421, 4422.

§ 23.1 Rates.

12 cents per pound, minimum 1 cent per piece.

§ 23.2 Permits.

(a) *Qualifications.* Publications must:

(1) Contain at least 24 pages.

(2) Contain at least 25 percent nonadvertising.

(3) Be issued at regular intervals of four or more times a year.

(4) Be circulated free or mainly free.

(5) Not be owned and controlled by individuals or business concerns and conducted as an auxiliary to and essentially for the advancement of the main business or calling of those who own or control them.

(b) *Applications.* Apply by letter to the postmaster at the office where mailings are to be made. A form is not provided for this kind of application. State the name of the publication, frequency of issue, where published, and the name of the publisher. Submit two copies of the issue published nearest to the date of application. The postmaster will submit the application and one copy of the publication to the Bureau of Operations, Classification and Special Services Division. Notice of authorization or disapproval will be furnished by the Director, Classification and Special Services Division.

(c) *Deposits to cover postage.* While an application is pending, deposits in money to cover postage on mailings at the third- or fourth-class rates may be made by the publisher. The excess deposits will be returned if a permit is issued.

§ 23.3 Identification statements.

The following items must be printed on one of the first five pages of each copy, in a position where they may be easily located by postal employees and other interested persons:

(a) Name of the publication on the front.

(b) Date of issue.

(c) Frequency of issue.

(d) Address of publisher.

(e) Subscription price, if the publication has one.

(f) Controlled circulation imprint, reading: "Controlled circulation postage paid at _____." When a publisher has filed applications at more than one post office, and has received authorizations at each office, the imprint must read: "Controlled circulation postage paid at _____ and at _____."

(g) Notice of pending application when copies are mailed under deposits of money, reading: "Application to mail at controlled circulation rates is pending at _____." A notice must be printed or handstamped on the envelopes or wrappers in which copies are mailed, reading: "Controlled circulation postage paid at _____." When a publisher has filed applications at more than one post office, and has received authorizations at each office, the notice must read: "Controlled circulation postage paid at _____ and at _____."

§ 23.4 Filing of marked copy.

A copy of each issue, with at least 25 percent of the nonadvertising marked by the publisher so that it may be verified, must be filed with the postmaster at the time of mailing. The percentage of nonadvertising must be written on the first page of the copy. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

§ 23.5 Enclosures.

Enclosures are not permitted.

PART 24—THIRD CLASS

Sec.
24.1 Rates.
24.2 Classification.
24.3 Weight and size limitations.
24.4 Preparation payment of postage.
24.5 Nonprofit organizations.
24.6 Permissible additions.
24.7 Enclosures.
24.8 Sealing.

AUTHORITY: §§ 24.1 to 24.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2510, 4451–4453, 4652.

§ 24.1 Rates.

(a) *Single piece rate.* All matter not in the first or second class (see § 24.3(a) for weight limit) except mailings made under paragraphs (b), (c), (d), (e) of this section: 3 cents first 2 ounces or fraction of 2 ounces plus 1½ cents for each additional ounce or fraction of an ounce.

(b) *Bulk rates.* (See § 24.2(b)(2) and § 24.4(b).)

(1) Books and catalogs having 24 or more bound pages with at least 22 printed pages, seed, cuttings, bulbs, roots, scions, and plants (see § 24.3(a) for weight limit):

(i) Other than authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

(ii) Authorized nonprofit organizations and associations: 10 cents each pound or fraction of a pound; minimum charge per piece 50 percent of the minimum charge in subdivision (i) of this subparagraph. See § 24.5.

(2) All matter, except the items in subparagraph (1) of this paragraph, not included in the first or second class (see § 24.3(a) for weight limit):

(i) Other than authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; 2½ cents minimum charge per piece.

(ii) Authorized nonprofit organizations and associations: 16 cents each pound or fraction of a pound; minimum charge per piece 50 percent of the minimum charge in subdivision (i) of this subparagraph. See § 24.5.

(c) *Articles of odd size or form.* See § 24.2(b)(3). 3½ cents per piece, whether mailed singly or at bulk rates. (Applicable only when the regular charge does not exceed 3½ cents.)

(d) *Keys, identification cards, identification tags, or similar identification devices.* Keys, identification cards, identification tags, or similar identification devices that are without cover and that bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern with instructions to return to such address and a statement guaranteeing the payment of the postage due on delivery: 5 cents each 2 ounces or fraction of 2 ounces.

(e) *Congressional Record mailed at Washington, D.C.* 1 cent per copy.

§ 24.2 Classification.

(a) *Definition.* (1) Third-class mail consists of mailable matter which is—

(i) Not mailed or required to be mailed as first class mail;

(ii) Not entered as second class mail; and

(iii) Less than sixteen ounces in weight.

(2) A person who presents for mailing at one time twenty or more identical copies of bills and statements of account produced by any photographic or mechanical process, other than typewriting, may mail them as third-class mail. In other cases, bills and statements of account shall be mailed as first-class mail.

(3) Circulars, including printed letters which according to internal evidence are being sent in identical terms to several persons, are third-class mail. A circular does not lose its character as such when the date and name of the addressee and of the sender are written therein, nor by the correction in writing of mere typographical errors.

(4) Unsealed letters written in point print or raised characters, or on sound reproduction records, used by the blind are third-class mail without regard to the limit on weight prescribed in subparagraph (1)(iii) of this paragraph.

(5) Printed matter within the limit of weight set forth in subparagraph (1) of this paragraph is third-class mail. For the purpose of this section, printed matter is paper on which words, letters, characters, figures or images, or any combination thereof, not having the character of actual or personal correspondence, have been reproduced by any process other than handwriting or typewriting.

(b) *Application of rates.* The rates in § 24.1 are applied as follows:

(1) The single rate is applied to each piece according to its weight.

(2) The bulk rate is applied to mailings of separately addressed identical pieces in quantities of not less than 20 pounds or of not less than 200 pieces. All of the pieces in a bulk mailing must be identical as to size, weight, and number of enclosures, but it is not required that the textual matter be identical. Postage is computed at pound rates on the entire bulk mailed at one time, except that in no case shall less than the minimum charge per piece be paid. The annual bulk mailing fee must be paid at or before the first mailing each calendar year. (See § 24.4 for other conditions governing acceptance of bulk mailings.)

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side is less than 2¾ inches in width or 4 inches in length.

(iii) They are not rectangular.

(iv) Their contents prevent stacking or tying in packages.

(v) They are enclosed in bags.

(vi) They are addressed by means of tags.

NOTE: Effective January 1, 1963, this subparagraph will read:

(3) The minimum charge for pieces of odd size or form applies to articles mailed singly or in bulk when:

(i) The address side exceeds 9 inches in width or 12 inches in length.

(ii) The address side of articles other than envelopes, cards, and self-mailers is less than 3 inches in width (height) or 4¼ inches in length. (See § 24.3 of this section.)

(iii) Their contents prevent stacking or tying in packages.

(iv) They are enclosed in bags.

(v) They are addressed by means of tags.

(4) The rate for keys and identification items placed loose in the mails under the conditions in § 24.1(d) is applied to each item according to its weight. When there are several items for the same addressee, the office of mailing will place them in an envelope or wrapper addressed to the intended recipient and marked to show the amount of postage due. The amount of postage will be computed on each item and not on the bulk weight of the mailing piece.

§ 24.3 Weight and size limitations.

(a) *Weight.* Each piece may weigh up to but not including 16 ounces, except the Congressional Record mailed under § 24.1(e) and letters for the blind. (See Part 28 of this chapter.)

(b) *Size.* No limit.

NOTE: Effective January 1, 1963, this paragraph will read:

(b) *Size, shape and ratio.* There is no maximum limit of size. The following standards apply to envelopes, cards, and self-mailers having postage paid thereon at the third-class rates:

(1) Pieces less than 3 inches in width (height) or 4¼ inches in length are nonmailable.

(2) Pieces having shapes other than rectangular are nonmailable.

(3) Pieces having a ratio of width (height) to length of less than 1 to 1.414 (1 to the square root of 2) are not recommended.

§ 24.4 Preparation—payment of postage.

(a) *Single-piece mailings.* Mailers of third-class mail at other than bulk rates may use any method of paying postage, and may mail any number of pieces at one time, except when permit imprints are used. See § 34.5 of this chapter.

(b) *Bulk mailings*—(1) *Annual fee.* A fee of $20 must be paid each calendar year. Lettershops and other concerns must pay the $20 fee for each customer for whom mailings are made, unless each customer pays it. This fee is separate from the $10 fee that must be paid for a permit to mail under the permit imprint system. See § 34.1(a) of this chapter.

(2) *Postage permits required.* Postage must be prepaid by (see Part 37 of this chapter):

(i) *Meter stamps.* See Part 33 of this chapter.

(ii) *Precanceled stamps or precanceled stamped envelopes.* See Part 32 of this chapter.

(iii) *Permit imprints (cash).* See Part 34 of this chapter.

(3) *Markings required.* Identifying words as follows must be printed or rubber stamped by the mailer either in or immediately adjacent to permit imprints, meter stamps, or precanceled stamps:

(i) "Bulk rate" or the abbreviation "Blk. Rt." by mailers other than nonprofit organizations.

(ii) "Nonprofit organization" or the abbreviation "Nonprofit Org." by authorized nonprofit organizations which mail at the 50 percent reduction in the minimum per piece charge.

(4) *Mailing statement and verification.* A designated employee in the weighing section or other place in the post office where bulk mailings are accepted shall verify the mailer's statement which must be completed and submitted by the mailer with each mailing as follows:

(i) Mailing statement, Form 3602, for mail with permit imprints (see § 34.5(e) of this chapter); or

(ii) Mailing statement, Form 3602-PC, for mail bearing precanceled stamps or meter stamps.

(5) *Preparation of mailing.* Mailers must sort, face, and tie bulk mail into packages both lengthwise and crosswise with twine strong enough to withstand handling in the mail (a breakingpoint of 10 pounds or more will qualify). Labels should be large enough to cover the address on the exposed piece of mail and keep the label from sliding out from under the twine. Packages shall be prepared by the mailer as follows:

(i) *Direct package.* When there are 10 or more pieces for any one post office (or station or branch if its name forms part of the address), all addresses must be faced one way except the last which must be reversed to expose its address on the outside of the package. Direct packages should not be labeled except when separations of 10 or more pieces are made to delivery zones within a city. Each zone package should be labeled to show the name of the post office and should be marked "All for Zone No. _____." The name of the post office may be omitted from the label of zone packages when the mailer includes all such packages in direct sacks. See subparagraph (6) of this paragraph.

(ii) *State package.* After direct-package pieces are removed, if there are 10 or more pieces remaining for any one State, all addresses shall be faced one way and the pieces shall be tied into a package. The top address must be covered with a label bearing the name of the State.

(iii) *Mixed packages.* If there are less than 10 pieces per State (for instance, 6 for Delaware, 8 for Maryland, 5 for Virginia), all addresses shall be faced one way and the pieces tied into a package. The top address shall be covered with a label bearing the words "Mixed States".

(iv) *Simplified address mail.* See § 13.4(c) of this chapter.

(6) *Preparation for dispatch*—(i) *Direct sacks.* When there are sufficient direct packages for the same post office to fill a sack at least one-third full the mailer must place them in a sack or sacks which should be labeled in the following manner:

PHILADELPHIA, PA.
CIRCS.
From Jay Mailing Co., Cincinnati, Ohio

(ii) *State sacks*—(a) *Direct packages.* After all possible city direct sacks have been made, if there are enough direct packages remaining for post offices within the same State to fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. (See subparagraph 7 of this paragraph.) State sacks shall be labeled in the following manner:

OGDEN, UTAH TERMINAL
Calif. Direct CIRCS.
From D.C. Mailers, Washington, D.C.

(b) *State packages.* When State packages of circulars for one State will fill approximately one-third of a sack, they shall be placed in a State sack and labeled to the proper distribution point. (See subparagraph (7) of this paragraph.) The sack shall be labeled in the following form:

OGDEN, UTAH TERMINAL
CALIF. CIRCS.
From D.C. Mailers, Washington, D.C.

(iii) *Mixed sacks.* (a) Mixed State packages of circulars may be included in sacks labeled "Mixed States—Circulars".

(b) Any direct package for which there is insufficient quantity to make city or State direct sacks should be included in sacks labeled "Mixed Directs—Circulars".

(iv) *Labels furnished by postmaster.* Where standard post office sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(v) *Unauthorized labels.* Labels, tags, or markings not required or authorized may not be used on mail sacks.

(7) *Distribution points.* A list of the proper distribution points for papers, mixed circulars, and direct circulars from each postal region is prepared by the distribution and traffic manager of the region. Mailers may obtain copies of this list and any special instructions relating to specific locations from their local postmaster.

(8) *Special services.* The registry, insurance, special delivery, certified and COD services may not be used for third-class matter mailed at bulk rates.

§ 24.5 Nonprofit organizations.

(a) *Types*—(1) *What may qualify.* Only the following types of organizations or associations not organized for profit and none of the net income of which benefits any private stockholder or individual may mail pieces subject to the minimum bulk third-class per piece charge at a reduction of 50 percent. (See § 24.1(b) (1)(ii) and (2)(ii).)

(i) Religious.
(ii) Educational.
(iii) Scientific.
(iv) Philanthropic.
(v) Agricultural.
(vi) Labor.
(vii) Veterans'.
(viii) Fraternal.

(2) *What may not qualify.* The following and similar organizations do not come within the prescribed categories even though they may be organized on a nonprofit basis: Automobile clubs; business leagues; chambers of commerce; citizens' and civic improvement associations; individuals; municipal, county, or State governmental bodies; mutual insurance associations; political organizations; service clubs such as Civitan, Kiwanis, Lions, Optimist, and Rotary; social and hobby clubs; and trade associations.

(b) *Applications.* Application on Form 3624, "Application for 50% Postage Discount on Bulk Third-Class Minimum Charge Per Piece Mailings" must be filed by the organization or association at the post office where mailings will be deposited. The application will be approved or denied by the postmaster.

(c) *Appeal.* The postmaster's action may be appealed by the applicant in writing through the postmaster to the Bureau of Operations, Classification and Special Services Division. The appeal must be accompanied by the original application and all supporting papers.

(d) *Temporary mailings.* Until final action is taken on the application, postage paid on the mailings may be at the discount rate, provided the mailer deposits with the postmaster an amount sufficient to cover the additional postage at the higher rates. See § 24.1(b) (1)(i) and (2)(i). This deposit will be returned to the mailer if the application is approved. If the application is denied, the deposit will not be returned. The deposit will be converted into postage-due stamps, and the stamps canceled and given to the mailer if no appeal is made. If appeal is made, action concerning the deposit will be deferred.

(e) *Revocation.* The approval may be revoked if the authorization was given to an organization or association which was not qualified or which becomes unqualified. The postmaster who approved the application will notify the organization of the pending cancellation of the authorization and of the reasons for the

cancellation. The organization will be allowed 10 days within which to file a written statement why the authorization should not be canceled. When no answer is filed, the postmaster will cancel the authorization. If an answer is filed, decision will be made by the Bureau of Operations, Classification and Special Services Division, whether the authorization shall be continued in effect. Notice of the decision will be given the organization through the postmaster.

§ 24.6 Permissible additions.

The following are permissible additions on third-class matter and its covers or labels:

(a) Manuscript dedication or inscription not in the nature of personal correspondence.

(b) Marks to call attention to any word or passage in text.

(c) Corrections of typographical errors in:

(1) *Circulars or printed matter.* Handwritten or typewritten changes or additions in the body of a circular are limited to corrections of actual typographical errors.

(2) *Proof sheets.* Corrections in proof sheets include corrections of typographical and other errors, alterations of text, insertion of new text, marginal instructions to the printer, and rewrites of part if necessary for correction. Corrections should be on margins or attached to the manuscript. Do not enclose manuscript of another article.

(d) Any printed matter mailable as third class.

(e) Hand-stamped imprints, except when the added matter is in itself personal or converts the original matter to a personal communication. In the latter case, however, the mailing at one time at the post office window or other depository designated by the postmaster of not less than 20 identical, unsealed copies will be sufficient evidence of impersonal character to entitle such matter to the third-class rate.

(f) All additions permitted for fourth-class mail. (See § 25.5 of this chapter.)

§ 24.7 Enclosures.

(a) *Books and catalogs mailed at bulk rates*—(1) *Permissible.* Loose enclosures relating exclusively to the book or catalog they accompany may be enclosed and mailed at the rate in § 24.1(b)(1). Loose enclosures are restricted to:

(i) Single reply envelope or reply post card, or both.

(ii) Single order form.

(iii) Printed circular.

(iv) If no circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog.

(v) An invoice. (See § 25.6(a) of this chapter.)

(2) *Prohibited.* Samples of cloth or other merchandise may not be enclosed, either loose or attached. If circular and other printed matter is attached to a book or catalog, it does not have to conform to the conditions for loose enclosures. "Attached" means pasted along the entire bound edge of, or fastened with at least two stitches or staples securely enough to form an integral part of the book or catalog.

(b) *All other third-class matter*—(1) *Permissible.* An invoice. (See § 25.6 (a) of this chapter.)

(2) *Prohibited.* Circulars and advertisements of other persons or firms that are printed or manufactured elsewhere and turned over to a mailer may not be inserted and mailed with his own mail at bulk rates but are subject to the single piece rate.

§ 24.8 Sealing.

(a) *What may be sealed*—(1) *Permissible.* The following mailed at third-class rates of postage may be sealed:

(i) Parcels.

(ii) Self-mailers more than 5 inches wide or more than 11½ inches long.

(iii) Envelopes more than 5 inches wide or more than 11½ inches long.

(iv) Merchandise, books, or catalogs in envelopes 5 x 11½ inches or smaller, provided that they are marked "Merchandise" or "Book" or "Catalog" in a prominent manner on the address side.

(2) *Prohibited.* Except for items in subparagraph (1) (iv) of this paragraph, envelopes and self-mailers measuring 5 x 11½ inches or smaller, when sealed, are subject to the first-class rate.

(b) *Examination.* Third-class mail must be prepared so that it can be easily examined. Mailing of sealed articles under paragraph (a) of this section at the third-class rates of postage is deemed to be the consent of the mailer to postal inspection of the contents. To assure that their parcels will not be opened for postal inspection, mailers should in addition to paying the first-class rate of postage, plainly mark their parcels "First-Class" or with similar endorsement.

(c) *Penny-saver envelopes.* Envelopes having one small spot of gum to hold a loose end flap are accepted as unsealed. The words "Pull Out for Postal Inspection" must be printed on, or adjacent to, the loose flap and must be entirely exposed when the envelope is ready for mailing. The closing outside flap that folds over the loose end flap must not be gummed on the surface touching the loose flap.

NOTE: Effective January 1, 1963, this section will read:

§ 24.8 Sealing.

(a) *Examination.* Third-class mail must be prepared by the mailer so that it can be easily examined. Third-class mail which is not sealed or secured so that it may be handled by machines is not recommended. Mailing of sealed articles at the third-class rates of postage is deemed to be with the consent of the mailer to postal inspection of the contents.

(b) *Marking.* All sealed pieces mailed at the third-class postage rates must be marked *"Third Class."*

PART 25—FOURTH CLASS

Sec.

25.1 Rates.
25.2 Classification.
25.3 Weight and size limits.
25.4 Payment of postage.
25.5 Written additions.
25.6 Enclosures.
25.7 Sealing.
25.8 Place of mailing.
25.9 Library materials.

AUTHORITY: §§ 25.1 to 25.9 issued under R.S. 161, as amended, sec. 101, 64 Stat. 1050, as amended; 5 U.S.C. 22, 31 U.S.C. 695, 39 U.S.C. 501, 4058, 4551–4555, 6008.

§ 25.1 Rates.

(a) *Fourth-class (parcel post) zone rates.*

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
Pounds								
2	$0.24	$0.33	$0.35	$0.39	$0.45	$0.51	$0.58	$0.64
3	.26	.38	.41	.47	.55	.64	.74	.83
4	.28	.43	.47	.55	.65	.77	.90	1.02
5	.30	.48	.53	.63	.75	.90	1.06	1.21
6	.32	.53	.59	.70	.85	1.03	1.22	1.40
7	.34	.58	.65	.77	.95	1.16	1.38	1.59
8	.36	.63	.71	.84	1.05	1.29	1.54	1.78
9	.38	.68	.77	.91	1.15	1.42	1.70	1.97
10	.40	.73	.83	.98	1.25	1.55	1.86	2.16
11	.42	.77	.89	1.05	1.35	1.67	2.02	2.34
12	.44	.81	.95	1.12	1.45	1.79	2.18	2.52
13	.46	.85	1.01	1.19	1.55	1.91	2.34	2.70
14	.48	.89	1.07	1.26	1.65	2.03	2.50	2.88
15	.50	.93	1.13	1.33	1.75	2.15	2.66	3.06
16	.52	.97	1.18	1.40	1.85	2.27	2.81	3.24
17	.54	1.01	1.23	1.47	1.95	2.39	2.96	3.42
18	.56	1.05	1.28	1.54	2.05	2.51	3.11	3.60
19	.58	1.09	1.33	1.61	2.15	2.63	3.26	3.78
20	.60	1.13	1.38	1.68	2.25	2.75	3.41	3.96
21	.62	1.17	1.43	1.75	2.34	2.87	3.56	4.14
22	.64	1.21	1.48	1.82	2.43	2.99	3.71	4.32
23	.66	1.25	1.53	1.89	2.52	3.11	3.86	4.50
24	.68	1.29	1.58	1.96	2.61	3.23	4.01	4.68
25	.70	1.33	1.63	2.03	2.70	3.35	4.16	4.86
26	.72	1.37	1.68	2.10	2.79	3.47	4.31	5.04
27	.74	1.41	1.73	2.17	2.88	3.59	4.46	5.22
28	.76	1.45	1.78	2.24	2.97	3.71	4.61	5.40
29	.78	1.49	1.83	2.31	3.06	3.83	4.76	5.58
30	.80	1.53	1.88	2.38	3.15	3.95	4.91	5.76
31	.82	1.57	1.93	2.45	3.24	4.06	5.05	5.93
32	.84	1.61	1.98	2.52	3.33	4.17	5.19	6.10
33	.86	1.65	2.03	2.59	3.42	4.28	5.33	6.27
34	.88	1.69	2.08	2.66	3.51	4.39	5.47	6.44
35	.90	1.73	2.13	2.73	3.60	4.50	5.61	6.61
36	.92	1.77	2.18	2.80	3.69	4.61	5.75	6.78
37	.94	1.81	2.23	2.87	3.78	4.72	5.89	6.95
38	.96	1.85	2.28	2.94	3.87	4.83	6.03	7.12
39	.98	1.89	2.33	3.01	3.96	4.94	6.17	7.29
40	1.00	1.93	2.38	3.08	4.05	5.05	6.31	7.46
41	1.02	1.97	2.43	3.15	4.14	5.16	6.45	7.62

Weight 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
Pounds								
42	$1.04	$2.01	$2.48	$3.22	$4.23	$5.27	$6.59	$7.78
43	1.06	2.05	2.53	3.29	4.32	5.38	6.73	7.94
44	1.08	2.09	2.58	3.36	4.41	5.49	6.87	8.10
45	1.10	2.13	2.63	3.43	4.50	5.60	7.01	8.26
46	1.12	2.17	2.68	3.50	4.59	5.71	7.15	8.42
47	1.14	2.21	2.73	3.57	4.68	5.82	7.29	8.58
48	1.16	2.25	2.78	3.64	4.77	5.93	7.43	8.74
49	1.18	2.29	2.83	3.71	4.86	6.04	7.57	8.90
50	1.20	2.33	2.88	3.78	4.95	6.15	7.71	9.06
51	1.22	2.37	2.93	3.84	5.03	6.26	7.84	9.22
52	1.24	2.41	2.98	3.90	5.11	6.37	7.97	9.38
53	1.26	2.45	3.03	3.96	5.19	6.48	8.10	9.54
54	1.28	2.49	3.08	4.02	5.27	6.59	8.23	9.70
55	1.30	2.53	3.13	4.08	5.35	6.70	8.36	9.86
56	1.32	2.57	3.18	4.14	5.43	6.81	8.49	10.02
57	1.34	2.61	3.23	4.20	5.51	6.92	8.62	10.18
58	1.36	2.65	3.28	4.26	5.59	7.03	8.75	10.34
59	1.38	2.69	3.33	4.32	5.67	7.14	8.88	10.50
60	1.40	2.73	3.38	4.38	5.75	7.25	9.01	10.66
61	1.42	2.77	3.43	4.44	5.83	7.36	9.14	10.82
62	1.44	2.81	3.48	4.50	5.91	7.47	9.27	10.98
63	1.46	2.85	3.53	4.56	5.99	7.58	9.40	11.14
64	1.48	2.89	3.58	4.62	6.07	7.69	9.53	11.30
65	1.50	2.93	3.63	4.68	6.15	7.80	9.66	11.46
66	1.52	2.97	3.68	4.74	6.23	7.91	9.79	11.62
67	1.54	3.01	3.73	4.80	6.31	8.02	9.92	11.78
68	1.56	3.05	3.78	4.86	6.39	8.13	10.05	11.94
69	1.58	3.09	3.83	4.92	6.47	8.24	10.18	12.10
70	1.60	3.13	3.88	4.98	6.55	8.35	10.31	12.26

EXCEPTIONS

a. In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate is the same as for the third zone.

b. Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

(b) *Catalogs and similar printed advertising matter.*

Weight, 1 pound and not exceeding—	Zones							
	Local	1 and 2	3	4	5	6	7	8
Pounds	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
1.5	14	16	18	20	22	24	26	28
2.0	16	20	22	24	26	29	32	35
2.5	18	23	25	27	29	33	37	41
3.0	18	24	26	28	31	36	40	45
3.5	19	25	28	30	34	39	44	50
4.0	20	27	29	32	36	42	48	54
4.5	20	28	31	34	39	45	51	59
5.0	21	29	32	36	41	48	55	63
5.5	22	30	34	38	43	51	59	68
6.0	22	31	35	40	46	54	62	72
6.5	23	33	37	42	48	57	66	77
7.0	24	34	38	44	51	60	70	81
7.5	25	35	40	46	53	63	74	86
8.0	25	36	41	47	55	66	77	90
8.5	26	37	43	49	58	69	81	95
9.0	27	39	44	51	60	72	85	99
9.5	27	40	46	53	63	75	88	104
10.0	28	41	47	55	65	78	92	108

EXCEPTION: In the first or second zone, where the distance by the shortest regular practicable mail route is 300 miles or more, the rate shall be the same as for the third zone.

NOTE: These rates apply to individually addressed catalogs and similar printed advertising matter in bound form, weighing 16 ounces or over, but not exceeding 10 pounds, and consisting of 24 or more pages.

Kind of mail	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
	Cents	*Cents*
Books; 16-millimeter films and 16-millimeter film catalogs (rate applies for films and catalogs except when mailed to commercial theaters); printed music; printed objective test materials; sound recordings; manuscripts for books, periodical articles and music; and printed educational reference charts, permanently processed for preservation. (See § 25.2(a)(4))	9	5

(d) *Library materials.*

Kind of mail (rate restricted to mailings by or to certain organizations)	Rate (without regard to zone)	
	First pound	Each additional pound or fraction
	Cents	*Cents*
Books; printed music; bound volumes of academic theses; sound recordings; periodicals; other library materials; 16-millimeter films, filmstrips, transparencies and slides, microfilms, and scientific or mathematical kits, instruments, or other devices; also, catalogs, guides or scripts for some of these materials. (See § 25.2(a)(5))	4	1

§ 25.2 Classification.

(a) *Description.* (1) Fourth-class mail includes merchandise, printed matter, mailable live animals, and all other matter not included in the first-, second-, or third-class.

(2) Zone rates in § 25.1(a) are applicable to all fourth-class mail, except that the items described in § 25.1 (b), (c), and (d) may be mailed at the special rates shown in those paragraphs if desired.

(3) Catalogs and similar printed advertising matter in bound form, having 24 or more pages at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds, may be accepted at the zone rates in § 25.1(b).

(4) The rates in § 25.1 (c) are for:

(i) Books of 24 pages or more, at least 22 of which are printed, permanently bound for preservation consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books. Advertising includes paid advertising and the publisher's own advertising. The advertising may be in display, classified, or editorial style.

(ii) 16-millimeter films, which must be positive prints in final form for viewing, and 16-millimeter film catalogs of 24 pages or more, at least 22 of which are printed, except films and film catalogs sent to commercial theaters.

(iii) Printed music whether in bound form or in sheet form.

(iv) Printed objective test materials and accessories thereto used by or in behalf of educational institutions in the testing of ability, aptitude, achievement, interests, and other mental and personal qualities with or without answers, test scores, or identifying information recorded thereon in writing or by mark.

(v) Sound recordings.

(vi) Manuscripts for books, periodical articles and music.

(vii) Printed educational reference charts, permanently processed for preservation.

(5) The rates in § 25.1(d) are for:

(i) The following items when loaned or exchanged between schools, colleges, or universities and public libraries, nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations; or when cooperatively processed by libraries; or when sent on loan or exchange between those libraries, organizations, or associations and their members, readers, or borrowers:

(*a*) Books, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books.

(*b*) Printed music, whether in bound form or in sheet form.

(*c*) Bound volumes of academic theses in typewritten or duplicated form.

(*d*) Periodicals.

(e) Sound recordings.

(f) Other library materials in printed, duplicated, or photographic form or in the form of unpublished manuscripts.

(ii) The following items when sent to or from schools, colleges, universities, or public libraries, and to or from nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans, or fraternal organizations or associations:

(a) 16-millimeter films; filmstrips; transparencies; slides; microfilms; all of which must be positive prints in final form for viewing.

(b) Sound recordings.

(c) Scientific or mathematical kits, instruments, or other devices.

(d) Catalogs of the materials in clauses (a), (b) and (c) of this subdivision having 24 or more pages, at least 22 of which are printed, and guides of scripts prepared solely for use with such materials.

(b) *Application of rates.* (1) The rates in § 25.1 (a) and (b) are applied on the basis of weight of the individual piece and the zone (or distance) to which mailed. Articles addressed to military post offices overseas (Army, Air Force, Fleet post offices, and naval vessels) require postage at the zone rate applicable between mailing office and post office shown in the address.

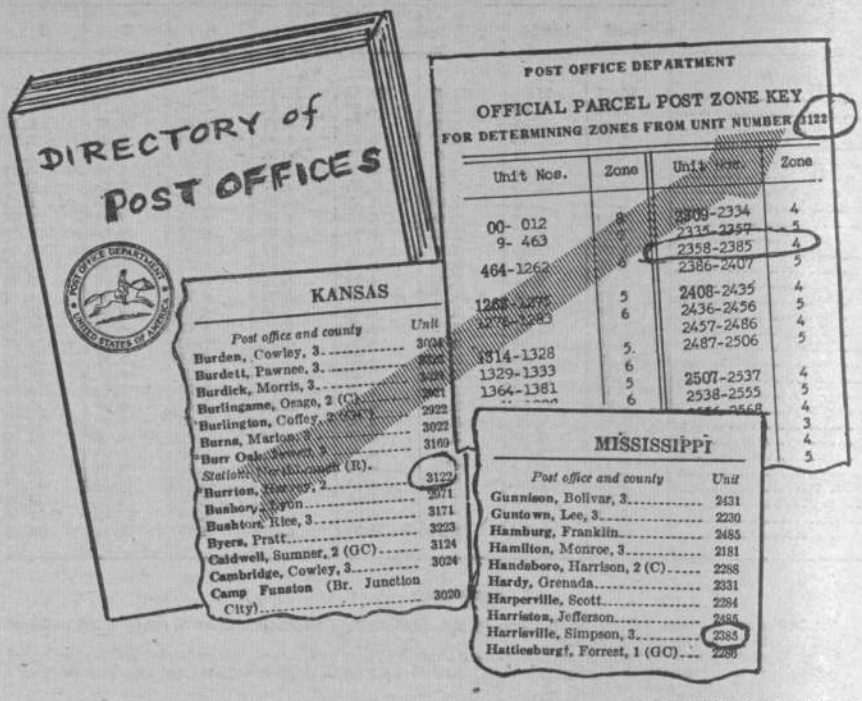
(2) There are eight parcel post zones, determined as follows:

(i) The United States and its territories and possessions are divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. Each unit of area is designated by a number.

(ii) The zones are based on the straight line distance between the unit of area in which the mailing post office is located and the unit of area in which the post office of address is located, measured from the center of one unit to the nearest point in the other. The zone equivalents of straight line distances are shown in the column headings of the rate chart in § 25.1(a).

(iii) A zone key, prepared for each unit of area, lists all the other units of area in numerical order and indicates the zone distance to each of these other units of area. Each numbered unit of area has its own identically numbered zone key, and the key is used at all post offices in that unit of area.

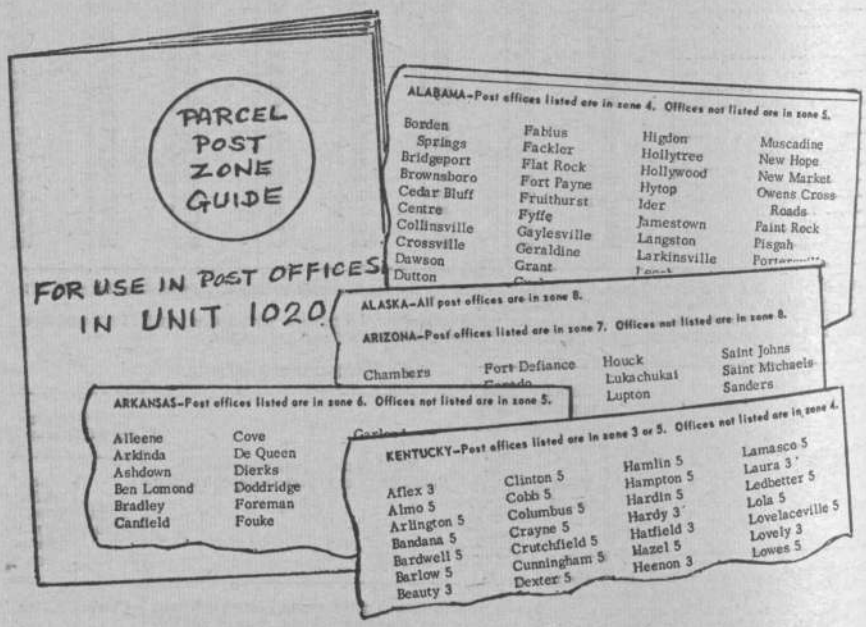
(iv) To ascertain the parcel post zone (distance) to a particular post office, consult the "Directory of Post Offices." Under the State listing locate the name of the post office to which the parcel is to be mailed. At the right of the name is the number of the unit of area. Then refer to the "zone key of the unit of area of the office of mailing." This key will list the unit of area of the office of address and to the right thereof the parcel post zone. This procedure is also used to determine zones within Alaska, Hawaii, Puerto Rico, and the Virgin Islands.



Determining the parcel post zone from Burrton, Kansas (Unit 3122), to Harrisville, Mississippi (Unit 2385), using the "Directory of Post Offices and the Official Parcel Post Zone Key" (Unit 3122).

(v) A "Directory of Post Offices" may be purchased from the Superintendent of Documents, Government Printing Office, Washington 25, D.C. A "Parcel Post Zone Key" for the unit of area in which the mailing post office is located may be obtained free by request to the postmaster.

(vi) To assist mailers of large volumes subject to zone postage charges, "Parcel Post Zone Guides, ZG Series," have been prepared for selected units of area.



A guide shows the proper parcel post zones from a unit of area to other post offices in the United States and possessions. Patrons desiring a guide for mailing at any post office in any of the units of area listed below should direct a request to the postmaster of that post office, or to the Headquarters Services Division, Post Office Department, Washington 25, D.C. The guides are free, and a schedule of the postal rates in § 25.1 (a) and (b) accompanies each guide, thereby enabling mailers to accurately determine the zone and the postage and to fully prepare their parcels prior to deposit at the post office.

Major cities	*Unit area*
Albany, N.Y.	713
Albuquerque, N. Mex.	4028
Atlanta, Ga.	1781
Augusta, Ga.	1532
Austin, Tex.	3138
Baltimore, Md.	1020
Baton Rouge, La.	2488
Billings, Mont.	4157
Birmingham, Ala.	2031
Boise, Idaho	4961
Boston, Mass.	464
Bridgeport, Conn.	666
Buffalo, N.Y.	1213
Charleston, S.C.	1333
Charleston, W. Va.	1522
Charlotte, N.C.	1428
Chattanooga, Tenn.	1878
Chicago, Ill.	2115
Cincinnati, Ohio	1820
Cleveland, Ohio	1516
Columbus, Ohio	1669
Dallas, Tex.	3033
Davenport, Iowa	2415
Dayton, Ohio	1769
Denver, Colo.	3819
Des Moines, Iowa	2715
Detroit, Mich.	1664
Erie, Pa.	1364
Fargo, N. Dak.	3005
Flint, Mich.	1712
Fort Wayne, Ind.	1866
Fort Worth, Tex.	3083
Fresno, Calif.	5325
Grand Rapids, Mich.	1913
Greensboro, N.C.	1326
Greenville, S.C.	1579
Harrisburg, Pa.	1018
Hartford, Conn.	615
Houston, Tex.	2889
Indianapolis, Ind.	1969
Jackson, Miss.	2384
Jacksonville, Fla.	1538
Kansas City, Kans.	2820
Kansas City, Mo.	2820
Knoxville, Tenn.	1727
Lansing, Mich.	1816
Lincoln, Nebr.	3017
Little Rock, Ark.	2579
Long Beach, Calif.	5181
Los Angeles, Calif.	5180
Louisville, Ky.	1922
Madison, Wis.	2622
Manchester, N.H.	463
Memphis, Tenn.	2378
Miami, Fla.	1397
Milwaukee, Wis.	2112
Minneapolis, Minn.	2659
Mobile, Ala.	2187
Montgomery, Ala.	1984
Nashville, Tenn.	2026
Newark, N.J.	767
New Haven, Conn.	616
New Orleans, La.	2389
New York, N.Y.	717
Norfolk, Va.	975
Oakland, Calif.	5573
Oklahoma City, Okla.	3128
Omaha, Nebr.	2916
Orlando, Fla.	1491
Peoria, Ill.	2317
Philadelphia, Pa.	869
Phoenix, Ariz.	4582
Pittsburgh, Pa.	1318
Portland, Maine	361
Portland Oreg.	5607
Providence, R.I.	465
Raleigh, N.C.	1227
Reading, Pa.	918
Richmond, Va.	1073
Roanoke, Va.	1324
Rochester, N.Y.	1112
Rockford, Ill.	2264
Sacramento, Calif.	5471
Saginaw, Mich.	1712
St. Louis, Mo.	2371
St. Paul, Minn.	2659
St. Petersburg, Fla.	1643
Salt Lake City, Utah	4517
San Antonio, Tex.	3190
San Diego, Calif.	5083
San Francisco, Calif.	5573
San Jose, Calif.	5524
Schenectady, N.Y.	713
Scranton, Pa.	916
Seattle, Wash.	5553
Shreveport, La.	2733
Sioux City, Iowa	2964
Sioux Falls, S. Dak.	3011
South Bend, Ind.	1965
Spokane, Wash.	5053
Springfield, Ill.	2319
Springfield, Mass.	614
Stockton, Calif.	5473
Syracuse, N.Y.	962
Tacoma, Wash.	5554
Tampa, Fla.	1593
Terre Haute, Ind.	2070
Toledo, Ohio	1715
Topeka, Kans.	2920
Trenton, N.J.	818
Tulsa, Okla.	2926
Utica, N.Y.	862
Waco, Tex.	3085
Washington, D.C.	1071
Waterbury, Conn.	665
West Palm Beach, Fla.	1395
Wichita, Kans.	3073
Wilkes-Barre, Pa.	916
Wilmington, Del.	919
Worcester, Mass.	514

(3) The rates in § 25.1 (c) and (d) are computed on the basis of the weight of the piece regardless of the zone to which addressed.

(4) The local rate in § 25.1 (a) and (b) applies to parcels mailed at any post office for local delivery at that office; at any city letter-carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

§ 25.3 Weight and size limits.

(a) *Weight.* Each addressed piece must weight 16 ounces or more but not in excess of the following limits:

(1) Parcels mailed at or to any second-, third-, or fourth-class post office; to or from any rural or star route; to or from any Army-Air Force or Fleet post office; or to, from or between any territory or possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands, must not exceed 70 pounds. See Part 17 of this chapter for weight limits to certain APO's.

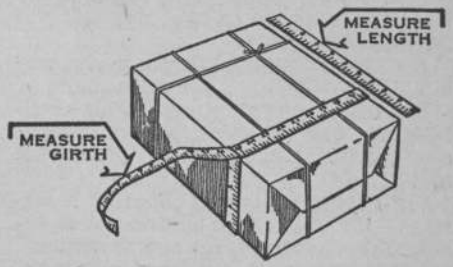
(2) Parcels mailed at a first-class post office in the United States for delivery at the same or any other first-class post office in the United States are limited to 40 pounds when addressed for delivery in the local, first, and second zones, and to 20 pounds when addressed to the third through the eighth zones; except that parcels mailed on or addressed for delivery on a rural or star route, parcels mailed at the post office from which served by patrons located on rural or star routes (rural or star route address of sender must be shown), or parcels containing baby poultry, nursery stock, agricultural commodities, books, and other items listed in § 25.1 (c) and (d) of this chapter, and Braille-writers and other appliances for the blind, are subject to the limit set forth in subparagraph (1) of this paragraph. (The term "agricultural commodities" includes any product grown or produced incident to an agricultural activity on a farm or in a garden, orchard, nursery, or forest, but does not include manufactured products of such commodities.) Parcels containing such articles must be marked to show the nature of the contents, unless such information can be ascertained by outward examination of the parcel.

(b) *Size.* Parcels mailed at a first-class post office in the United States, for delivery at the same or any other first-class post office in the United States, and subject to the limits of weight shown in paragraph (a)(2) of this section must not exceed 72 inches length and girth combined. All other parcels are limited to 100 inches in length and girth combined. To compute the size of a parcel:

(1) Measure the longest side to get the length.

(2) Measure the distance around the parcel at its thickest part to get the girth.

(3) Add the length and the girth. Two or more packages may be mailed as a single parcel if they are about the same size or shape or if they are parts of one article. They must be securely wrapped or fastened together and must not, together, exceed the weight or size limit.



§ 25.4 Payment of postage.

Mailers of fourth-class articles may use any method of paying postage.

§ 25.5 Written additions.

(a) *Required.* (1) The return address of the sender must be shown on all fourth-class mail.

(2) Parcels containing baby poultry, live plants, trees, shrubs, agricultural commodities, books, and Braille-writers and other appliances for the blind, mailed at a first-class post office addressed for delivery at another first-class post office, and that exceed the weight limits in § 25.3 (a)(1) or a size limit of 72 inches in length and girth combined, must be marked to show the type of contents. If contents are readily identifiable by outward examination, no marking is required.

(3) Catalogs mailed at the rates in § 25.1(b) must be marked "Catalogs".

(4) The wrapper or cover on articles mailed at the rates in § 25.1(c) must be marked "Educational Materials".

(5) The wrapper or cover on articles mailed at the rates in § 25.1(d) must be marked "Library Materials".

(6) Marks specified in § 11.5 of this chapter to show nature of contents or service desired must be added.

(b) *Permissible.* The following written additions, which may be placed on the cover, tag, or label attached to the parcel, or on an article within the parcel, are permitted for all fourth-class mail. (Sufficient space must be provided on the address side for address, return address, postage, and postal endorsements.)

(1) Marks, numbers, name, or letters descriptive of contents.

(2) "Please do not open until Christmas, Merry Christmas, Happy Birthday, with Best Wishes" and similar inscriptions.

§ 25.6 Enclosures.

(a) *Permissible in all fourth-class.* An invoice or similar document for descriptive purposes only, enclosed, or placed in an envelope (marked "Invoice Enclosed") attached to the outside, showing any or all of the following:

(1) Name and address of sender and addressee.

(2) Names and quantities of articles enclosed.

(3) Description of articles enclosed; including price, tax, style, stock number, size and quality; and if defective, nature of defect.

(4) Order or file number, date of order, date and manner of shipment, shipping weight, and postage paid.

(5) Initials or name of packer or checker.

(b) *Catalogs.* Catalogs mailed at the rates in § 25.1(b) may have any or all of the following enclosures, provided the loose enclosures form only an incidental portion of contents:

(1) Order forms, reply envelopes, and circulars.

(2) One each of printed blotter, illustrated display sheet, poster, dealer's card, or similar printed advertising matter.

(c) *Educational and library materials.* (1) *Books.* In addition to an invoice (see paragraph (a) of this section), the following may be enclosed with books mailed at the rates in § 25.1(c):

(i) Reply envelope or post card, single order form, and a printed circular.

(ii) Incidental announcements of books, appearing in book pages or as loose circulars.

(2) *All other materials.* Enclosures are not permitted as provided in paragraph (a) of this section.

§ 25.7 Sealing.

Fourth-class mail must be wrapped or packaged so that it can be easily examined. Mailing of sealed parcels at the fourth-class rate of postage is deemed to be the consent of the sender to postal inspection of the contents. Patrons who desire to assure that their parcels will not be opened for postal inspection, should, in addition to paying the first-class rate of postage, plainly mark their parcels "First Class" or with similar endorsements.

§ 25.8 Place of mailing.

(a) Fourth-class articles may be mailed at a post office, branch, or station, or handed to a rural or star route carrier. They may not be mailed at railway post office cars.

(b) Parcels exceeding the limits of size and weight for articles mailed at first-class post offices that originate in and are prepared in cities or towns served by first-class post offices may not be diverted to other post offices or to a rural or star route carrier for mailing.

§ 25.9 Library materials.

Each parcel mailed under the provisions of §§ 25.1(d) and 25.2(a)(5) must show in the address or the return address the name of a school, college, university, public library, or the name of a nonprofit religious, educational, scientific, philanthropic, agricultural, labor, veterans', or fraternal organization or association. No permit is required.

PART 26—AIRMAIL

Sec.

26.1 Rates.
26.2 Classification.
26.3 Weight and size limits.
26.4 Payment of postage.
26.5 Additions and enclosures.
26.6 Marking, sealing, and depositing.

AUTHORITY: §§ 26.1 to 26.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4301–4305, 6301.

§ 26.1 Rates.

Weight	Kind of mail	Rate
8 ounces or less	Air postal or post cards	5 cents each.
	Letters and packages	7 cents an ounce.
	Business reply (See § 21.2(c) of this chapter): Air cards	7 cents each.
	Airmail other than cards: Weight not over 2 ounces	7 cents an ounce, plus 2 cents per piece.
	Weight over 2 ounces	7 cents an ounce, plus 5 cents per piece.

Weight over 8 ounces, and not exceeding—	Rate. NOTE: Where amount is shown in italics, see Footnote 2 regarding first-class mail.					
	Zones 1, 2 and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
1 pound	$0.60	$0.65	$0.70	$0.75	$0.75	$0.80
2 pounds	*1.08*	*1.15*	*1.26*	1.39	1.47	1.60
3 pounds	*1.56*	*1.65*	*1.82*	2.03	2.19	2.40
4 pounds	*2.04*	*2.15*	*2.38*	2.67	2.91	3.20
5 pounds	*2.52*	*2.65*	*2.94*	3.31	3.63	4.00
6 pounds	*3.00*	*3.15*	*3.50*	3.95	4.35	4.80
7 pounds	*3.48*	*3.65*	*4.06*	4.59	5.07	5.60
8 pounds	*3.96*	*4.15*	*4.62*	5.23	5.79	6.40
9 pounds	*4.44*	*4.65*	*5.18*	5.87	6.51	7.20
10 pounds	*4.92*	*5.15*	*5.74*	6.51	7.23	8.00
11 pounds	*5.40*	*5.65*	*6.30*	7.15	7.95	8.80
12 pounds	*5.88*	*6.15*	*6.86*	7.79	8.67	9.60
13 pounds	*6.36*	*6.65*	*7.42*	8.43	9.39	10.40
14 pounds	*6.84*	*7.15*	*7.98*	9.07	10.11	11.20
15 pounds	*7.32*	*7.65*	*8.54*	9.71	10.83	12.00
16 pounds	*7.80*	*8.15*	*9.10*	10.35	11.55	12.80
17 pounds	*8.28*	*8.65*	*9.66*	10.99	12.27	13.60
18 pounds	*8.76*	*9.15*	*10.22*	11.63	12.99	14.40
19 pounds	*9.24*	*9.65*	*10.78*	12.27	13.71	15.20
20 pounds	*9.72*	*10.15*	*11.34*	12.91	14.43	16.00
21 pounds	*10.20*	*10.65*	*11.90*	13.55	15.15	16.80
22 pounds	*10.68*	*11.15*	*12.46*	14.19	15.87	17.60
23 pounds	*11.16*	*11.65*	*13.02*	14.83	16.59	18.40
24 pounds	*11.64*	*12.15*	*13.58*	15.47	17.31	19.20
25 pounds	*12.12*	*12.65*	*14.14*	16.11	18.03	20.00
26 pounds	*12.60*	*13.15*	*14.70*	16.75	18.75	20.80
27 pounds	*13.08*	*13.65*	*15.26*	17.39	19.47	21.60
28 pounds	*13.56*	*14.15*	*15.82*	18.03	20.19	22.40
29 pounds	*14.04*	*14.65*	*16.38*	18.67	20.91	23.20
30 pounds	*14.52*	*15.15*	*16.94*	19.31	21.63	24.00
31 pounds	*15.00*	*15.65*	*17.50*	19.95	22.35	24.80
32 pounds	*15.48*	*16.15*	*18.06*	20.59	23.07	25.60
33 pounds	*15.96*	*16.65*	*18.62*	21.23	23.79	26.40
34 pounds	*16.44*	*17.15*	*19.18*	21.87	24.51	27.20
35 pounds	*16.92*	*17.65*	*19.74*	22.51	25.23	28.00
36 pounds	*17.40*	*18.15*	*20.30*	23.15	25.95	28.80
37 pounds	*17.88*	*18.65*	*20.86*	23.79	26.67	29.60
38 pounds	*18.36*	*19.15*	*21.42*	24.43	27.39	30.40
39 pounds	*18.84*	*19.65*	*21.98*	25.07	28.11	31.20
40 pounds	*19.32*	*20.15*	*22.54*	25.71	28.83	32.00
41 pounds	*19.80*	*20.65*	*23.10*	26.35	29.55	32.80
42 pounds	*20.28*	*21.15*	*23.66*	26.99	30.27	33.60
43 pounds	*20.76*	*21.65*	*24.22*	27.63	30.99	34.40
44 pounds	*21.24*	*22.15*	*24.78*	28.27	31.71	35.20
45 pounds	*21.72*	*22.65*	*25.34*	28.91	32.43	36.00
46 pounds	*22.20*	*23.15*	*25.90*	29.55	33.15	36.80
47 pounds	*22.68*	*23.65*	*26.46*	30.19	33.87	37.60
48 pounds	*23.16*	*24.15*	*27.02*	30.83	34.59	38.40
49 pounds	*23.64*	*24.65*	*27.58*	31.47	35.31	39.20
50 pounds	*24.12*	*25.15*	*28.14*	32.11	36.03	40.00

Weight over 8 ounces, and not exceeding—	Rate. NOTE: Where amount is shown in italics, see Footnote 2 regarding first-class mail.					
	Zones 1, 2 and 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8
51 pounds	$24.60	$25.65	$28.70	$32.75	$36.75	$40.80
52 pounds	25.08	26.15	29.26	33.39	37.47	41.60
53 pounds	25.56	26.65	28.82	34.03	38.19	42.40
54 pounds	26.04	27.15	30.38	34.67	38.91	43.20
55 pounds	26.52	27.65	30.94	35.31	39.63	44.00
56 pounds	27.00	28.15	31.50	35.95	40.35	44.80
57 pounds	27.48	28.65	32.06	36.59	41.07	45.60
58 pounds	27.96	29.15	32.62	37.23	41.79	46.40
59 pounds	28.44	29.65	33.18	37.87	42.51	47.20
60 pounds	28.92	30.15	33.74	38.51	43.23	48.00
61 pounds	29.40	30.65	34.30	39.15	43.95	48.80
62 pounds	29.88	31.15	34.86	39.79	44.67	49.60
63 pounds	30.36	31.65	35.42	40.43	45.39	50.40
64 pounds	30.84	32.15	35.98	41.07	46.11	51.20
65 pounds	31.32	32.65	36.54	41.71	46.83	52.00
66 pounds	31.80	33.15	37.10	42.35	47.55	52.80
67 pounds	32.28	33.65	37.66	42.99	48.27	53.60
68 pounds	32.76	34.15	38.22	43.63	48.99	54.40
69 pounds	33.24	34.65	38.78	44.27	49.71	55.20
70 pounds	33.72	35.15	39.34	44.91	50.43	56.00

EXCEPTIONS:

1. Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10 pound parcel for the zone to which addressed.

2. Parcels containing first-class matter for the weights and zones indicated below must bear postage at the rate of 4 cents for each ounce or fraction thereof.

FIRST CLASS AIRMAIL ONLY

	Weighing over—	But not over—	Pay
Zones 1, 2, and 3	15 ounces	1 pound	$0.64.
	1 pound, 11 ounces	2 pounds	4 cents each ounce.
	2 pounds, 7 ounces	3 pounds	Do.
	3 pounds, 3 ounces	70 pounds	Do.
Zone 4	1 pound, 12 ounces	2 pounds	Do.
	2 pounds, 9 ounces	3 pounds	Do.
	3 pounds, 5 ounces	4 pounds	Do.
	4 pounds, 2 ounces	70 pounds	Do.
Zone 5	1 pound, 15 ounces	2 pounds	$1.28.
	2 pounds, 13 ounces	3 pounds	4 cents each ounce.
	3 pounds, 11 ounces	4 pounds	Do.
	4 pounds, 9 ounces	5 pounds	Do.
	5 pounds, 7 ounces	6 pounds	Do.
	6 pounds, 5 ounces	7 pounds	Do.
	7 pounds, 3 ounces	8 pounds	Do.
	8 pounds, 1 ounce	70 pounds	Do.

§ 26.2 Classification.

(a) *Description.* Airmail is mail carried by air and by the fastest connecting surface carriers, and given the most expeditious handling in dispatch and delivery. Airmail is not given special delivery to the addressee unless a special delivery fee is paid in addition to the airmail postage.

(b) *Articles acceptable.* Mail of all classes, except that which may be damaged by low temperatures or high altitudes, is accepted.

(c) *Application of rates.* (1) Postage is charged on airmail (except postal and post cards) according to weight at the rates in § 26.1 regardless of the class of mail, except that when first-class mail is enclosed, the rate may not in any instance be less than 4 cents an ounce.

(2) Air post cards must conform to the size and conditions prescribed for post cards. (See § 21.2(a)(7) of this chapter.)

(3) Each portion of a double air post card must be prepaid at the air card rate when originally mailed, except when the reply portion is prepared as a business reply air card. See § 21.2(c) of this chapter for information regarding business reply mail.

(4) The eighth zone airmail rates apply to articles mailed between continental United States and possessions and the Canal Zone, overseas Army-Air Force and Fleet post offices, naval vessels addressed in care of Fleet post offices, and Islands of the Trust Territory in the Pacific, except that rates according to zone apply between the United States, Puerto Rico, and the Virgin Islands.

§ 26.3 Weight and size limits.

(a) *Weight.* Airmail may weigh up to 70 pounds. See Part 17 of this chapter for the exception to this limit for articles addressed to certain APO's and NPO's.

(b) *Size.* Airmail is limited to 100 inches in combined length and girth. See Part 17 of this chapter for the exception to this limit for articles addressed to certain APO's and NPO's and § 25.3 (b) of this chapter for instructions on how to measure parcels.

§ 26.4 Payment of postage.

Postage on airmail may be paid by adhesive postage stamps, stamped cards or envelopes, meter stamps, or permit imprints.

§ 26.5 Additions and enclosures.

There are no special restrictions with respect to written additions and enclosures in airmail. See § 26.2(c)(1) regarding first class mail. An airmail parcel weighing over 8 ounces, later forwarded or returned from place of original address by surface mail would be subject to the restrictions as to additions and enclosures according to the class of mail involved.

§ 26.6 Marking, sealing, and depositing.

(a) Place the word "Airmail" prominently on the address side of flat mail preferably below the stamps and above the address, and on the top, bottom, and sides of parcels. The return address of the sender must be shown on the address side of each air parcel mailed at zone rates of postage.

(b) Airmal may be sealed or left unsealed without affecting the air rate.

(c) Deposit airmail weighing 8 ounces or less at the post office or in a special airmail letter box or drop, if available, to insure fastest dispatch, or in any collection box. Airmail weighing over 8 ounces must be deposited at the post office, branch, or station, or handed to a rural or star route carrier.

(d) Use envelopes printed with special airmail design for airmail only. Their use for mail not intended for air transmission is not permissible.

PART 27—OFFICIAL MAIL

Sec.

27.1 Members of Congress.
27.2 Executive and judicial officers.
27.3 Mail sent to government departments.
27.4 State employment security mailings.
27.5 Diplomatic and consular mail.
27.6 Absentee balloting materials.
27.7 Former Presidents and widows of former Presidents.
27.8 Pan America Union and Pan American Sanitary Bureau.

AUTHORITY: §§ 27.1 to 27.8 issued under R.S. 161, as amended; sec. 1303(d), 40 Stat. 1141, as amended, sec. 1, 62 Stat. 783; 2 U.S.C. 277, 5 U.S.C. 22, 18 U.S.C. 1719, 39 U.S.C. 501, 2303, 2503, 2510, 4151–4156, 4158–4168.

§ 27.1 Members of Congress.

(a) *Collection of postage.* Postage on mail sent under the franking privilege by the Vice President, Members and Members-elect of Congress, the Resident Commissioner from Puerto Rico, the Secretary of The Senate, Sergeant at Arms of the Senate, and the Clerk of the House of Representatives is paid annually by a lump sum to the Post Office Department.

(b) *Description.* Official mail of Members of Congress is sent without prepayment of postage bearing written signature or a printed facsimile signature instead of a postage stamp. Mail accepted under frank, and the officials authorized to use franked mail, are shown in paragraph (c) of this section.

(c) *Authorized users.*

Persons authorized to use the frank	Matter that may be franked	Marking required	Period during which the frank may be used
Vice President of the United States, Members of Congress, Resident Commissioners, Secretary of the Senate, Sergeant at Arms of the Senate, and Clerk of the House.	Public documents printed by order of Congress.	The words *Public Document—Free* and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following expiration of their respective terms of office.
Members of Congress and Resident Commissioners.	Congressional Record or any part of it, or speeches or reports contained in it.	The words *Congressional Record or Part of Congressional Record—Free* and the signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	During term of office only.
Members of Congress.....	Seeds and agricultural reports from the Department of Agriculture.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following the expiration of their terms of office.
Vice President of the United States, Members and Members-elect of Congress, Resident Commissioners, Secretary of the Senate, and Sergeant at Arms of the Senate.	Official correspondence not exceeding 4 ounces in weight. Official correspondence when addressed to a Government official by title may exceed 4 ounces in weight, but must not exceed 4 pounds.	The signature and title, either written or printed facsimile, of the person entitled to frank it, must appear on the address side.	Until the 30th day of June following expiration of their respective terms of office. When the position of Secretary of the Senate or Sergeant at Arms of the Senate is vacant, privilege may be exercised in officer's name by authorized persons.

(d) *Restrictions.* The following restrictions apply to franked mail:

(1) Official correspondence transmitted under frank of the Vice President, Members and Members-elect of Congress, Secretary of the Senate, Sergeant at Arms of the Senate, and Resident Commissioners, must be on official or departmental business.

(2) No franked mail will be admitted to the mail unless admissible as ordinary mail.

(3) A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

(4) Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be remailed. A package of franked pieces may be sent by a person entitled to the franking privilege, to one addressee, who, on receiving and opening the package, may on behalf of such person, place addresses on the franked articles and mail them.

(5) Franked mail is handled as ordinary mail. Fees for special services must be paid at the time of mailing.

(e) *Weight and size limits*—(1) *Weight.* Official correspondence is limited to 4 ounces, except that when addressed to a Government official by title the limit is 4 pounds.

(2) *Size.* No limit.

NOTE: Effective January 1, 1963, this subparagraph will read:

"(2) *Size, shape, ratio, and sealing.* The provisions of §§ 12.3, 21.2(a)(7), 21.3(b) and 24.3(b) of this chapter apply.

§ 27.2 Executive and judicial officers.

(a) *Collection of postage.* Departments, agencies, and establishments of the U.S. Government must reimburse the Post Office Department in amounts equivalent to the amount of postage and fees due on their mail for which the Post Office Department does not otherwise receive compensation. Instructions governing the manner of reimbursement for mailings made without postage or fees prepaid are issued by the Bureau of Finance which negotiates reimbursement agreements with the departments and agencies concerned.

(b) *Description.* The following kinds of mail may be sent as Federal Government mail by those authorized to use this privilege:

(1) Official mail relating exclusively to the business of the Government of the United States mailed by officers of the executive and judicial branches of the Government; official mail of legislative counsel for the House of Representatives and the Senate; official mail of the Superintendent of Documents; and official correspondence concerning the Congressional Directory under direction of the Joint Committee on Printing.

(2) All correspondence, bulletins, and reports relating to agricultural extension work and home economics carried on in cooperation with the United States Department of Agriculture, when mailed by the college officer or other person connected with the extension department of the college who has been designated by the Secretary of Agriculture. Mailings may be deposited by the designated officer only at the authorized post office. Correspondence must be conducted under the name of the designated officer. Correspondence with autograph signature may be sealed but all other matter must be left unsealed.

(3) Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results or researches and experiments, including lists of publications available for distribution, when mailed by agricultural experiment stations designated by the Act of March 2, 1887, as amended by the Act of August 11, 1955, as follows:

The officer in charge of a station that claims the privilege of sending materials without prepayment of postage through the mail must file an application with the Bureau of Operations, Classification and Special Services Division, through the post office where the station is located, stating the date of establishment of the station, its name or designation, its official organization, the names of its officers, the name of the college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other legislation granting it the benefits of the act of Congress referred to in this section.

(4) Annual reports of Government-aided colleges established under the Act of July 2, 1862, when addressed to the Secretary of the Interior, the Secretary of Agriculture, and to any other Government-aided college. The postmaster receiving the annual reports from an officer of the college will use a post office penalty envelope or label to send it through the mail.

(5) Copyright material sent to the Register of Copyrights with claim for registration, as follows:

(i) Postmasters receiving the claim for registration and any articles that are required to accompany the claim will use a post office penalty envelope or label to send the matter to the Register of Copyrights, Washington 25, D.C.

(ii) If requested to do so, the postmaster will give a receipt for articles delivered to him to accompany a claim for registration.

(iii) When desired, the person submitting copyright matter to the postmaster may also present the fee for copyright registration enclosed in a sealed envelope addressed to Register of Copyrights, Washington 25, D.C., which must have postage prepaid at the letter rate. The postmaster, after canceling the postage stamps, will enclose the envelope containing the fee together with the copyright material in the post office penalty envelope sent to the Register of Copyrights.

(iv) Matter for copyright enclosed in post office penalty envelopes will not be sent by registered mail unless the registry fee is prepaid.

(c) *Methods of preparing official mail*—(1) *Postage and fees paid.* (i) All official mail of authorized departments or agencies, subject to the weight and size limits, if any, for matter of its class, shall be given the postal service indicated on its cover when the mail is marked in the upper right corner of the address side "Postage and Fees Paid". This marking may not be handwritten or typewritten.

(ii) Authorized departments and agencies are:

Agriculture, Department of.
Air Force, Department of.
Alaska International Rail and Highway Commission.
Army, Department of.
Atomic Energy Commission.
Bureau of the Budget.
Bureau of Prisons (or FBP).
Civil Service Commission.
Civil Aeronautics Board.
Coast Guard.

Commerce, Department of.
Council of Economic Advisers.
Development Loan Fund.
Employment Security Mail.
Federal Aviation Agency.
Federal Bureau of Investigation.
Federal Home Loan Bank Board.
Federal Housing Administration.
Federal Mediation and Conciliation Service.
Federal National Mortgage Association.
Federal Power Commission.
Federal Reserve System, Board of Governors of the.
Federal Trade Commission.
General Services Administration.
Health, Education, and Welfare, Department of.
Housing and Home Finance Agency.
Immigration and Naturalization Service.
Interior, Department of.
Internal Revenue Service.
International Cooperation Administration.
Interstate Commerce Commission.
Justice, Department of.
Labor, Department of.
Library of Congress.
Marine Corps.
National Aeronautics and Space Agency.
National Capital Housing Authority.
National Gallery of Art.
National Institutes of Health.
National Labor Relations Board.
National Science Foundation.
Navy, Department of.
Panama Canal Company.
President's Committee on Employment of the Physically Handicapped.
President's Council on Youth Fitness.
Public Housing Administration.
Railroad Retirement Board.
Saint Lawrence Seaway Development Corporation.
Secretary of Defense, Office of.
Securities and Exchange Commission.
Selective Service System.
Small Business Administration.
Smithsonian Institution.
State, Department of.
State Employment Security Offices (See § 27.4).
Tax Court of United States.
Tennessee Valley Authority.
Treasury, Department of.
U.S. Court of Claims.
U.S. Court of Customs and Patent Appeals.
U.S. Court of Military Appeals.
U.S. Courts.
U.S. Information Agency.
U.S. Supreme Court.
Veterans Administration.
Virgin Islands Corporation.

(iii) Mail sent as "Postage and Fees Paid" must show over the words "Official Business" in the upper left corner of the address side the name and address of the department, bureau, office, or officer.

(iv) Printed reply envelopes or labels marked "Postage and Fees Paid" and preaddressed to a Federal Government office or officer may be furnished to persons or concerns for convenience in submitting information for official purposes, or for delivery of official matter, subject to the following conditions:

(*a*) Reply envelopes or labels furnished to contractors must in every case bear printed return address of one of the agencies listed in subdivision (ii) of this subparagraph over the words "Official Business". No return name and address of a private person or firm may be shown.

(*b*) When a special service is required, the reply envelope or label must be preprinted with the type of special service desired. Users of reply labels may not add their own markings for these services.

(2) *Penalty.* Penalty mail, subject to the restrictions of paragraph (d) of this section, is sent without prepayment of postage. Envelopes, cards, labels, tags, and wrappers used in transmitting official mail under the penalty privilege must bear in the upper right corner of the address side the printed statement of the penalty of misuse: "Penalty for Private Use to Avoid Payment of Postage, $300." The printed statement of the penalty for misuse may not be handwritten or typewritten. They must also show, over the words "Official Business" in the upper left corner of the address side, the name and address of the department, bureau, office, or officer. The following markings are required, when applicable:

(i) Official mail of designated State extension directors must bear in the upper left corner the name of the agricultural college and the name of the post office at which the mail is to be accepted without prepayment of postage, followed by the name and title of the designated officer and the words "Cooperative Agricultural Extension Work—Acts of May 8 and June 30, 1914."

(ii) Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the word "Publication". The title of the bulletin or report may be used.

(3) *Prepaid postage.* Official mail which is not sent as penalty mail or as postage and fees paid mail must have postage prepaid. The regular rates and conditions apply except that postage on official mail weighing over 4 pounds may be paid at the fourth-class rates. See paragraph (e) (1) of this section.

(d) *Use.* (1) The markings authorized on official mail in paragraph (c) of this section may not be placed on other mail to avoid payment of postage or special service fees.

(2) Any department or office authorized to use the official mail privilege may furnish self-addressed envelopes or labels to persons or concerns for their convenience in submitting official information desired by any U.S. Government department or agency. Reply envelopes may not be furnished to bidders or contractors, or to enable private persons or concerns to send without prepayment of postage reports or other information which they are required by law to make.

(3) The right of an officer to use the official mail privilege ceases immediately on his going out of office.

(4) Official matter of those departments and agencies listed in paragraph (c) (1) (ii) of this section that is marked "Postage and Fees Paid" shall be given any special service, including airmail, when it is so marked by the sender without requiring prepayment of postage or fees. See § 111.2(d) (2) (ii) of this chapter regarding international mail.

(5) Airmail and the special services may not be given official mail in penalty envelopes without prepayment of air postage or prepayment of the appropriate fee for the special service requested. *Exception:* Penalty envelopes containing urgent official communications of the Postal Service may be sent airmail, or as registered, certified or special delivery mail without prepayment of the postage or fees.

(e) *Weight and size limits*—(1) *Weight*—(i) *Penalty mail.* No article or package of official matter, or number of articles or packages of official matter constituting in fact a single shipment exceeding 4 pounds may be admitted to the mail under the "penalty" privilege except stamped paper and supplies sold or used by the Postal Service, and books or documents published or circulated by order of Congress when mailed by the Superintendent of Documents. Official matter in packages exceeding 4 pounds, if otherwise mailable, will be accepted on payment of postage at the fourth-class rates within the limits of weight prescribed for such matter. (See § 25.3 (a) of this chapter.) Such parcels may be sealed or unsealed, and may include written matter when mailed at those rates. Official matter of the Postal Service, and books and documents circulated by order of Congress when mailed by the Superintendent of Documents may weigh up to 70 pounds.

(ii) *Postage and fees paid mail.* Maximum weight same as § 25.3(a) of this chapter, except airmail. See § 26.3 of this chapter.

(iii) *Prepaid Government mail.* Maximum weight same as § 25.3(a) of this chapter, except airmail. See § 26.3 of this chapter.

(2) *Size.* There is no size limit prescribed for penalty mail. Other matter is subject to the size limits prescribed in § 25.3(b) of this chapter.

NOTE: Effective January 1, 1963, this subparagraph will read:

(2) *Size, shape, ratio, and sealing.* The provisions of §§ 12.3, 21.1(a)(7), 21.3(b), 24.2(b), 24.3(b), 24.8, and 25.3(b) of this chapter apply.

§ 27.3 Mail sent to Government Departments.

(a) *Census mail.* All mail, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and endorsed "Official Business, Census Office", will be sent without prepayment of postage. Such mail may not exceed 4 pounds. (See § 27.2(a) regarding postage reimbursement.) Mail sent by the Census Bureau of the Department of Commerce or one of its officers in envelopes of that Bureau is subject to the conditions in § 27.2(c) (1).

(b) *Immigration and Naturalization Service mail.* All mail of whatever class, relating to naturalization, including duplicate papers required by law or regulation to be sent to the Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official of either, and endorsed "Official Business", will be transmitted without prepayment of postage and marked "Naturalization Papers". Mail relating to naturalization

may not exceed 4 pounds. (See § 27.2(a) regarding postage reimbursement.)

§27.4 State employment security mailings.

All mail of State employment security offices cooperating with the Department of Labor, that bears in the upper left corner of the address side the words "Official Business" printed immediately below the name and address of the State employment agency, and in the upper right corner the words "Postage and Fees Paid", will be accepted without prepayment of postage or fees. Postage and fees chargeable are collected periodically under a special arrangement with the Post Office Department. Such matter will be given the service indicated on the cover.

§ 27.5 Diplomatic and consular mail.

(a) *Diplomatic mail.* All correspondence (written or printed) of members of the Diplomatic Corps of the countries of the Postal Union of the Americas and Spain stationed in the United States may be reciprocally transmitted in the domestic mail without prepayment of postage. This correspondence may not exceed 4 pounds in weight. The envelopes, cards, tags, wrappers, and labels must show in the upper left corner of the address side the name of the ambassador or the minister, or the name of the embassy or legation, together with the post office address; and in the upper right corner the inscription "Diplomatic Mail" over the word "Free". These inscriptions may be handwritten, handstamped, or printed.

(b) *Consular mail.* The official correspondence (written or printed) exchanged between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and correspondence directed by those consulates to the Government of the United States or their respective embassies or legations or to officials of State or local governments may be transmitted in the domestic mail without prepayment of postage. This correspondence may not exceed 4 pounds in weight. The envelopes, labels, etc., covering correspondence of consulates must show over the words "Official Correspondence", in the upper left corner of the address side, the name and address of the consul or consulate, and the name of the country represented; and, in the upper right corner, the inscription "Consular Mail" over the word "Free". These inscriptions may be handwritten, handstamped, or printed.

§ 27.6 Absentee balloting materials.

(a) *Purpose.* Balloting materials consisting of post card applications, ballots, voting instructions, and envelopes, are sent through the mail without prepayment of postage, including airmail postage, for the purpose of enabling every person in any of the following categories to vote by absentee ballot when he is absent from the place of his voting residence and is otherwise eligible to vote:

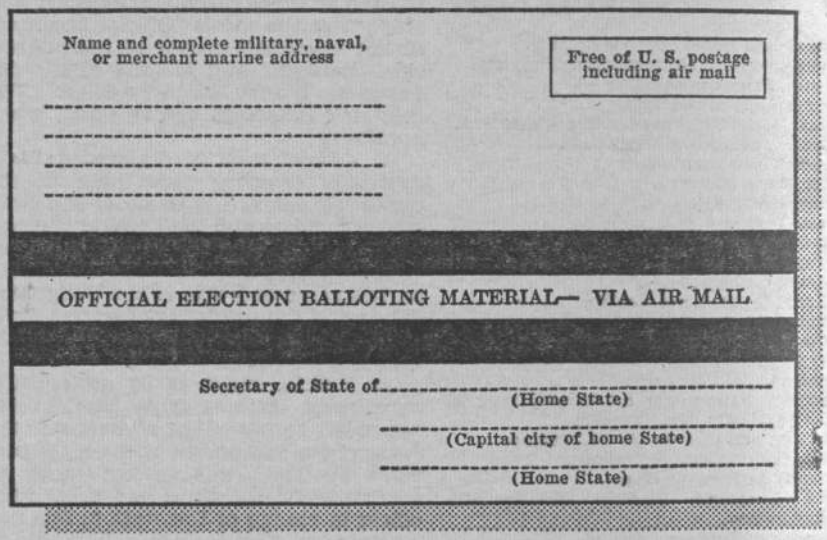
(1) Members of the Armed Forces while in active service and their spouses and dependents.

(2) Members of the merchant marine of the United States and their spouses and dependents.

(3) Civilian employees of the United States in all categories serving outside the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, as amended, and whether or not paid from funds appropriated by the Congress.

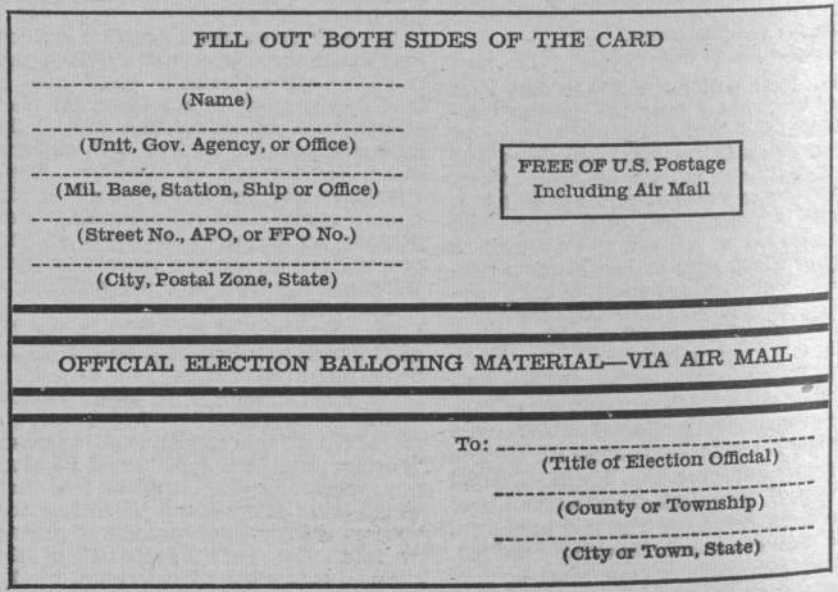
(4) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.

(b) *Elections affected.* The materials may be sent for any general election of electors for President and Vice President or of Senators and Representatives in Congress and for other general, primary, and special elections.



(c) *Markings required on ballot envelopes and post card applications.* (1) Envelopes used to send balloting material and envelopes supplied for return of the ballot must have printed across the face two parallel horizontal red bars, each ¼ inch wide, extending from one side of the envelope to the other side, with an intervening space of ¼ inch, the top bar to be 1¼ inches from the top of the envelope, and the words "Official Election Balloting Material—Airmail", or similar language as prescribed by State law, between the bars. There must be printed in the upper right corner of each envelope in a rectangular box the words "Free of U.S. Postage, Including Airmail". All printing on the face must be in red with an appropriate inscription or blanks for return address of sender in the upper left corner.

(2) The Federal post card application shall be approximately 9½ x 4⅛ inches in size. On the address side of the card shall be printed in red ink the following:



§ 27.7 Former Presidents and widows of former Presidents.

All mail of former United States Presidents Herbert Hoover, Harry S. Truman, and Dwight D. Eisenhower; and all mail of Anna Eleanor Roosevelt, widow of former President Franklin Delano Roosevelt, and Edith Bolling Wilson, widow of former President Woodrow Wilson, shall be accepted without prepayment of postage if it bears the written signature of sender, or a facsimile signature, in the upper right corner of the address side.

§ 27.8 Pan American Union and Pan American Sanitary Bureau.

The Pan American Union and Pan American Sanitary Bureau are authorized by law to transmit official matter without prepayment. The mail must bear the printed clause citing the penalty for private use instead of postage stamps. It must be prepared like Federal Government penalty mail and is subject to the same restrictions. See § 27.2 (c)(2), (d), and (e).

PART 28—FOR THE BLIND

Sec.
28.1 Rates.
28.2 Description.
28.3 Classification

AUTHORITY: §§ 28.1 to 28.3 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4653, 4654.

§ 28.1 Rates.

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
LETTERS					
Letters written in point print or raised characters or on sound reproduction records.	Blind individuals	Correspondence	Third-class rate of 3 cents for the first two ounces and 1½ cents for each additional ounce.	None required	Not required.
READING MATTER FOR THE BLIND					
Books, pamphlets, and other reading matter published either in raised characters or in the form of sound reproduction records which contain no advertising or other matter.	Public institutions for the blind, public libraries or blind readers returning the matter to loaning institutions or libraries.	Loan to blind readers or return to the loaning institutions or libraries.	Free	The name and address of sender in upper left corner of address side and word "Free" over the words "Reading Matter for the Blind" or "Sound Reproduction Records for the Blind" in upper right corner.	Not required.
Books, or pages thereof, in raised characters, whether prepared by hand or printed, which contain no advertisements, when furnished to a blind person without cost to such blind person. Weight limit for each package 15 pounds.	Donor	Use of the blind	Free	The name and address of sender in upper left corner of address side and word "Free" over the words "Reading Matter for the Blind" in upper right corner.	Not required.
PERIODICALS FOR THE BLIND WITHOUT SUBSCRIPTION CHARGE					
Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records which contain no advertising and for which no subscription fee is charged.	Publisher of matter	Use of the blind	Free	In printing on the first page of the publication (a) name of publication, (b) place where published, (c) date of issue, (d) frequency of issue, (e) the words under "Accepted as free matter for use of the blind at ....." These identification statements may be printed on labels and affixed to sound reproduction records.	Required.[1]
PERIODICALS FOR THE BLIND HAVING SUBSCRIPTION CHARGE					
Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records, that contain no advertisements, furnished to blind persons at a price no greater than the cost price thereof.	Organization, institution, or association not conducted for private profit.	Use of the blind	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the words "Periodicals for the Blind."	Required.[1]
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED WITHOUT CHARGE					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising and are furnished to a blind person without charge.	Organization, institution, or association not conducted for private profit.	Use of the blind	Free	Name and address of the sender in upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." The word Free must appear in the upper right corner.	Required.[1]
VOLUMES OF HOLY SCRIPTURES FOR THE BLIND FURNISHED AT COST					
Volumes of holy scriptures or parts thereof published in raised characters or in the form of sound reproduction records that contain no advertising, furnished to a blind person at a price not greater than cost.	Organization, institution, or association not conducted for private profit.	Use of the blind	1 cent for each pound or fraction.	The name and address of the sender in the upper left corner of address side below which must appear the words "Holy Scriptures for the Blind." Required postage must be affixed in upper right corner.	Required.[1]
REPRODUCERS FOR SOUND REPRODUCTION RECORDS AND APPLIANCES FOR THE BLIND					
(1) Reproducers for sound reproduction records for the blind or parts thereof that are the property of the United States Government.	Blind persons, organizations, institution, public library, or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.	Sent for repair or returned after repair.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.

[1] Application for privilege must be submitted to the Bureau of Operations, Classification and Special Services Division, through postmaster at the office where mailings are to be made.

Kind of matter	Who may mail	Purpose for which sent	Rate of postage	Markings required	Application
REPRODUCERS FOR SOUND REPRODUCTION RECORDS AND APPLIANCES FOR THE BLIND—continued					
(2) Reproducers for sound reproduction records for the blind or parts thereof, Braille writers and other appliances for the blind or parts thereof belonging to blind individuals, state governments, subdivision thereof, or public libraries or private agencies for the blind not conducted for private profit.	Blind person, organization, institution, public library or association for the blind not conducted for private profit to an agency not conducted for private profit or by such an agency to a blind person or an organization, institution, public library or association for the blind not conducted for private profit.	Sent for repair or other purpose.	1 cent for each pound or fraction.	Name and address of sender in upper left corner of address side below which must appear the inscription: "Appliance for the Blind."	Not required.

§ 28.2 Description.

Mail for the blind includes letters, books, pamphlets, and other material written or published in point print or raised characters or reproduced on sound reproduction records; reproducers for sound reproduction records or parts of reproducers; Braille-writers and other appliances used by or for blind persons to convey information for any purpose.

§ 28.3 Classification.

(a) *Letters for the blind.* Letters for the blind include those written in point print or raised characters or produced on sound reproduction records for purpose of correspondence. The rates are the same for third-class printed matter. See Part 24 of this chapter.

(b) *Other matter for the blind.* (1) The following may be mailed free of postage when they contain no advertising:

(i) Books, pamphlets, and other material published in raised characters or in the form of sound reproduction records or other matter when sent unsealed by public institutions for the blind, or by public libraries as a loan to blind readers or when returned by the readers to such institutions or libraries, and

(ii) Books or pages thereof in raised characters, whether prepared by hand or printed, when furnished by any person to a blind person without cost to such blind person.

On the address side of each parcel must appear the name and address of the sender in the upper left corner and the word "Free" over the words "Reading Matter for the Blind or Sound Reproduction Records for the Blind" in the upper right corner. No special authorization is required. Weight is limited to 15 pounds for each package.

(2) Magazines, periodicals, and other regularly issued publications in raised characters or on sound reproduction records that contain no advertising and for which no subscription fee is charged may be mailed free under the following restrictions:

(i) The publisher must file a written application through his postmaster to be sent to the Bureau of Operations, Classification and Special Services Division, together with a copy of the publication showing its name, frequency of issue, and a statement that it contains no advertising and that the subscription is free.

(ii) A deposit to cover rates of postage otherwise applicable to such mail may be made with the post office for any mailings made while the application is pending. Deposits will be returned when the application is approved.

(iii) On the first page of a publication authorized to be accepted as free matter must be printed the following: name of publisher; place where published; date of issue; frequency of issue; and the words "Accepted as free matter for use of the blind at _____."

(iv) Publications on sound reproduction records must have a label bearing printed indicia shown in (iii) of this subparagraph.

(3) Magazines, periodicals, and other regularly issued publications in raised characters, or sound reproduction records, that contain no advertisements, furnished by an organization, institution, or association not conducted for private profit, to a blind person at a price not greater than cost, may be mailed at the rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) The mailer must file a written application through the postmaster at the office where the matter is to be mailed accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that their publications when mailed will be furnished at a price not exceeding cost, to be sent to the Bureau of Operations, Classification and Special Services Division.

(ii) No mailing will be accepted at the 1-cent-a-pound rate until the application has been approved.

(iii) The mail must be wrapped in a manner to permit easy examination and must bear the words "Periodicals for the Blind" below the name and address of the sender which must appear in the upper left corner of the address side.

(4) Volumes of Holy Scriptures, or parts thereof, published in raised characters or in the form of sound reproduction records and containing no advertising when mailed by an organization, institution, or association not conducted for private profit may be mailed at special rates under the following conditions:

(i) When furnished to a blind person without charge, postage is free.

(ii) When furnished to a blind person at a price not greater than cost, postage is 1 cent for each pound or fraction of a pound.

(iii) The organization, institution, or association desiring to mail at the special rates must file an application through the postmaster at the post office where the matter is to be mailed to be sent to the Bureau of Operations, Classification and Special Services Division, accompanied by satisfactory evidence that the organization, institution, or association is not conducted for private profit and that the volumes will be furnished to a blind person (*a*) without charge or (*b*) at a price not greater than cost.

(iv) In the upper left corner of the address side must appear the name of the sender over the words "Holy Scriptures for the Blind," together with the word "Free" in the upper right corner when the volume is furnished without charge. The word "Free" is not shown on volumes subject to prepayment of postage when furnished at a price not greater than cost.

(5) Reproducers and sound reproduction records, Braille-writers, and other appliances, or parts, for use by the blind may be mailed at the postage rate of 1 cent for each pound or fraction of a pound under the following conditions:

(i) Reproducers or parts that are the property of the United States Government may be shipped for repair purposes between a blind person and an organization, institution, public library, or association for the blind, not conducted for profit, or between any such organization or institution.

(ii) Reproducers, or parts, Braille-writers and other appliances or parts that are the property of blind individuals, state governments or subdivisions, public libraries, or private agencies of the blind, not conducted for private profit, may be sent to a blind person or an organization, institution, public library, or association for the blind, not conducted for profit.

(iii) The name and address of sender must be shown in the upper left corner below which must appear: "Appliance for the Blind."

(iv) Organizations, institutions, libraries, or other agencies desiring to send and receive reproducers or other appliances or parts at this special rate must furnish the postmaster for submission to the Bureau of Operations, Classification and Special Services Division, satisfactory evidence that they are not conducted for private profit.

(v) Parcels containing reproducers and other appliances for the blind may not exceed 70 pounds in weight.

PART 29—MIXED CLASSES

Sec.
29.1 Mail of a higher class enclosed with mail of a lower class.
29.2 Combination mailings of two classes.
29.3 Mailing enclosures of different classes.
29.4 Treatment.
29.5 Special services.

AUTHORITY: §§ 29.1 to 29.5 issued under R.S. 161, as amended, Sec. 1, 62 Stat. 784; 5 U.S.C. 22, 18 U.S.C. 1723, 39 U.S.C. 501, 4058, 4365, 4555.

§ 29.1 Mail of a higher class enclosed with mail of a lower class.

When mail of a higher class is enclosed with mail of a lower class, the rate of postage on the entire piece or package is that of the higher class, except as provided in § 29.3. See § 29.2 for attachment of letters to parcels of second-, third-, and fourth-class mail.

§ 29.2 Combination mailings of two classes.

(a) *Attachment.* Letters or other pieces of first- or third-class mail may be placed in an envelope and securely tied or otherwise attached to the address side of a second-, third-, or fourth-class mailing piece including airmail articles. The envelope must be placed on the address side of the principal mailing piece. Combination envelopes or containers having separate parts for the two classes of mail may be used. See § 24.8 concerning the sealing of third-class mail.

(b) *Addressing.* The name and address of the sender and the name and address of the addressee should be placed on both the principal mailing piece and the attachment. If both names and addresses do not appear on both pieces, the sender's name and address must be placed on one and the name and address of the addressee must be placed on the other. Combination containers having inseparable portions or compartments are mailable with the names and addresses on only one portion.

(c) *Postage.* Postage on the second-, third-, or fourth-class mail must be prepaid at the appropriate rate and must be placed in the upper right corner of the address space. Postage at the appropriate first- or single-piece third-class rate must be paid for the attachment and affixed to it. If mailed by air, postage at the airmail rate must be paid for the letter.

(d) *Markings required.* First-class attachments may be marked "First-Class" or "Letter Enclosed". Third-class attachments must be marked "Third-Class".

§ 29.3 Mailing enclosures of different classes.

(a) *Enclosures mailed with second-class and controlled circulation publications*—(1) *First- and third-class enclosures.* Letters or other pieces of first- or third-class mail may be mailed as enclosures with second-class and controlled circulation publications. They may be:

(i) Placed in the outside envelope or wrapper with a single copy.

(ii) Secured inside an unwrapped copy, or

(iii) Enclosed in a bundle of copies.

(2) *Payment of postage.* Postage at appropriate first- or single piece third-class rate must be paid for each separate enclosure. Pieces of related matter placed in a publication as a unit may be regarded as a single enclosure for purpose of computing postage. The postage may be placed on the enclosure by using precanceled or meter stamps, or the postage may be placed on the outside envelope, wrapper, or cover. Postage at the second-class pound or per copy rates or postage at the controlled circulation rates must be paid on the publication in the manner prescribed by Part 16 of this chapter. When postage at the transient second-class rate is paid on the publication, follow the procedure in paragraph (b) of this section.

(3) *Marking required.* When postage for the enclosure is placed on the outside envelope, wrapper, or cover of a publication, the mailer must mark each piece as required by paragraph (b) (5) of this section. Markings are not required when postage is placed on the enclosure.

(b) *Enclosures mailed with third- and fourth-class parcels*—(1) *First-class enclosures.* Letters may be enclosed with books, catalogs, and merchandise mailed at third-class rates. (See § 29.2 for mailing letters with other third-class matter.) Letters may be enclosed in fourth-class parcels. Postage at the first-class rate must be paid for each letter.

(2) *Third-class enclosures.* Third-class mail may be enclosed in a fourth-class parcel mailed at the special rates in § 25.1 (b), (c), and (d) of this chapter, and § 28.1 of this chapter. Postage at the single-piece third-class rate must be paid for each enclosure except the items listed in § 25.6 of this chapter.

(3) *Placement of enclosure.* The enclosure should be placed on top of other items in the parcel when practical.

(4) *Payment of postage.* Postage for the enclosure must be placed on the outside of the parcel. It may be added to the postage for the parcel and the total amount paid together, or the postage for the enclosure may be affixed separately from the postage for the parcel.

(5) *Marking required.* The mailer must place the endorsement "First-Class Mail Enclosed" or "Third-Class Mail Enclosed" on each parcel below the postage and above the address. The endorsement may be handstamped, handwritten, typewritten, printed, or put on by any other method.

(c) *Penalty*—(1) *Failure to pay.* If postage is not paid at the appropriate rate in the manner provided for by paragraphs (a) and (b) of this section for letters or other pieces of first- or third-class mail, the second-class publications or the third- or fourth-class parcels in which they are enclosed will be subject to the higher rate applicable to the enclosure.

(2) *Concealment.* Mailers are subject to a fine of not more than $100 if they knowingly conceal letters or other pieces of first- or third-class mail in second-class publications or in third- or fourth-class parcels without paying the appropriate rate of postage on the enclosures in the manner provided for by paragraphs (a) and (b) of this section.

§ 29.4 Treatment.

Combination mailing pieces are treated as second-, third-, or fourth-class mail as the case may be and are subject to the same conditions for forwarding or return as other second-, third-, or fourth-class mail. (See Parts 47 and 48 of this chapter.)

§ 29.5 Special services.

Combination mailing pieces may be sent as special delivery or in the case of fourth-class parcels as special handling, and only one fee applicable to the parcel is required. Combination pieces may not be registered. They may be sent insured or COD, the insurance to cover only the value of the parcel.

SUBCHAPTER D—POSTAGE

PART 31—STAMPS, ENVELOPES, AND POSTAL CARDS

Sec.
31.1 Stamps (adhesive).
31.2 Plain envelopes, postal cards, and air letter sheets.
31.3 Printed stamped envelopes (special-request).
31.4 Purchase of postage.
31.5 Exchange of stamps.
31.6 Validity of stamps.
31.7 Unlawful transactions.

AUTHORITY: §§ 31.1 to 31.7 issued under R.S. 161, as amended, sec. 1, 62 Stat. 783, as amended; 5 U.S.C. 22, 18 U.S.C. 1720, 1721, 39 U.S.C. 501, 507, 2501–2510.

§ 31.1 Stamps (adhesive).

(a) *Adhesive stamps available.*

Purpose	Form	Denomination and prices
Ordinary postage	Single or sheet	½, 1, [1] 1¼, 2, [1] 2½, 3, 4, 4½ through 10 cents; 12, 15, 20, 25, 30, 40, and 50 cents; $1 and $5.
	Book	24 4-cent: 97 cents.
	Coil of 100	4 cents. (Dispenser to hold coils of 100 4-cent stamps may be purchased for 5 cents additional.)
	Coils of 500 and 3,000	1, [1] 1¼, 2, [1] 2½, 3, 4, and 4½ cents.
Commemorative stamps	Single or sheet	Various denominations as announced.
Airmail postage (for use on airmail only). (See paragraph (b) of this section.)	do	5, 7, 10, 15, and 25 cents.
	Book	12 7-cent: 85 cents.
	Coils of 500 and 3,000	7 cents.
Precanceled postage	Coils and sheets	Available on special order to permit holders only. (See part 32 of this chapter.)
Postage-due (for post office use only).	Single or sheet	½, 1, 2, 3, 4, 5, 6, 7, 8, 10, 30, and 50 cents; $1 and $5. (Available to public for stamp collections only through the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.)
Special delivery. (See part 56 of this chapter.)	do	30 cents. Good only for special-delivery fee.

[1] Available in precanceled form only.

(b) *Use of stamps.* (1) Use stamps of the highest suitable denomination.

(2) Fix stamps firmly in the upper right corner of the address side of the mail cover.

(3) Any stamp partly concealed by an overlapping stamp may not be counted as postage.

(4) Postal employees (other than rural carriers as prescribed in § 46.4(a) of this chapter) are not required to fix stamps to mail.

(5) Airmail postage stamps may be used to pay fees for special services on airmail articles.

(c) *Perforating.* Postage and special delivery stamps may be perforated with an identifying mark if the holes do not exceed 1/32 of an inch in diameter and if the space taken by the mark is not larger than ½-inch square.

(d) *Reuse prohibited.* Reuse of stamps with intent to cause loss to the Government is punishable by fine and imprisonment.

§ 31.2 Plain envelopes, postal cards, and air letter sheets.

(a) *Plain stamped envelopes—(1) Envelopes available.*

Kind	Size No.	Denomination	Item No.	1,000	500	250	100	50	Less than 50
		Cents							*Cents (each)*
Regular	6¾	3	631	$36.40	$18.20	$9.10	$3.64	$1.82	4
	6¾	4	641	46.40	23.20	11.60	4.64	2.32	5
	10	3	131	37.60	18.80	9.40	3.76	1.88	4
	10	4	141	47.60	23.80	11.90	4.76	2.38	5
Window	6¾	3	632	37.20	18.60				
	6¾	4	642	47.20	23.60				
	9	3	932	38.40	19.20	9.60			
	9	4	942	48.40	24.20	12.10			
	10	3	132	38.80	19.40	9.70			
	10	4	142	48.80	24.40	12.20			
Precanceled	6¾	1¼	613	18.90	9.45				
	6¾	2½	623	31.40	15.70				
	10	1¼	113	20.10	10.05	5.03			
	10	2½	123	32.60	16.30	8.15			
Airmail	6¾	7	674	76.80	38.40	19.20	7.68	3.84	8
	10	7	174	78.00	39.00	19.50	7.80	3.90	8

(2) *Sales at Post Offices.* Only sizes 6¾ and 8 regular and airmail will be sold in less than full box lots. Remaining stocks of plain size 13 envelopes (manufacture of which ceased on December 31, 1958) shall be sold at the same prices and conditions as size 6¾ envelopes.

(3) *Precanceled envelopes.* Precanceled envelopes are sold only to patrons holding permits for the mailing of third-class matter at bulk rates. Only nonprofit organizations or associations covered in § 24.5 of this chapter may purchase 1¼-cent precanceled envelopes.

(4) *Window envelopes.* Window envelopes are sold to the public in full box lots only. All windows are 1⅛ inches wide and 4¾ inches long and are located ½ inch from the bottom of the envelope. In size 6¾, the window is located ⅞ inch from the left edge, in size 9 and 10 it is ¾ inch from the left edge.

(5) *Dimensions of envelopes.*

	Inches
Size 6¾	3⅝ by 6½
Size 9 (formerly size 7)	3⅞ by 8⅞
Size 10 (formerly size 8)	4⅛ by 9½

(6) *Private printing.* Stamped envelopes may be privately printed in any style, provided at least 3½ inches of clear space is left at the right end of the address side of the envelope.

(b) *Postal cards available.*

Size No.	Kind	Selling price, each	Sheets: Number of cards per sheet	Sheets: Cards per case
		Cents		
4	Domestic air mail single (use for air mail only).	5		
6	Domestic reply (3 cents each half)	6	20 (4 x 5 cards)	5,000
8	Domestic single	3	40 (4 x 10 cards)	10,000
[1] 11	Foreign single	5		
[1] 12	Foreign reply (5 cents each half)	10		
[1] F	Foreign reply (3 cents each half)	6		

Postal cards in sheets, for use in printing, must be cut to regulation size, 3¼ x 5½ inches; however sizes 4 and 8 may be cut to 3 x 5 inches. Cases may be broken for sale to printers. Return addresses are not printed on postal cards by the Post Office Department. Precanceled postal cards are not available at a post office.

[1] Current stocks may be revalued by the affixing of 1-cent adhesive postage stamps.

(c) *Air letter sheets.* 10 cents each. (See § 121.5 of this chapter.)

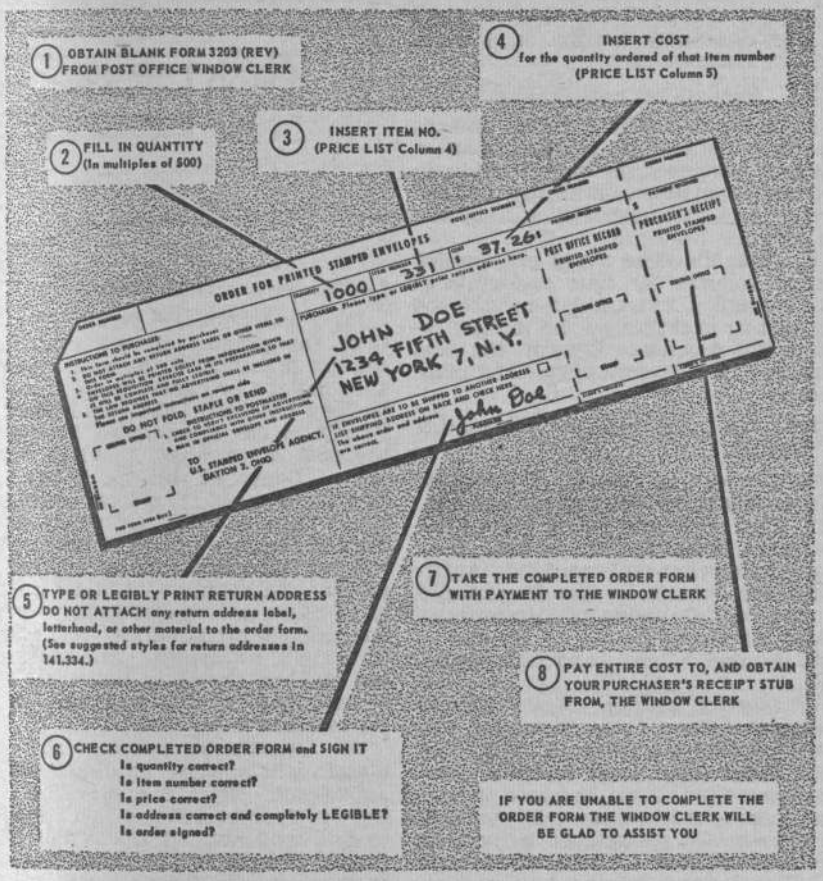
§ 31.3 Printed stamped envelopes (special request).

(a) *Printed stamped envelopes available.*

Kind	Size	Denomination	Item No.	Price: 500	Price: 1,000
		Cents			
Begular	6¾	3	631	$19.20	$38.40
	6¾	4	641	24.20	48.40
	10	3	131	19.80	39.60
	10	4	141	24.80	49.60
Window	6¾	3	632	19.60	39.20
	6¾	4	642	24.60	49.20
	9	3	932	20.20	40.40
	9	4	942	25.20	50.40
	10	3	132	20.40	40.80
	10	4	142	25.40	50.80
Precanceled	6¾	1¼	613	10.45	20.90
	6¾	2½	623	16.70	33.40
	10	1¼	113	11.05	22.10
	10	2½	123	17.30	34.60
Airmail	6¾	7	674	39.40	78.80
	10	7	174	40.00	80.00

(b) *How to order printed stamped envelopes.* Prepare Form 3203, Order for Printed Stamped Envelopes, as illustrated below. Submit the order through the post office named in the return address. However, if undeliverable letters are to be returned to the main office of a firm in another city, envelopes may be ordered at the post office where they will be mailed.

HOW TO ORDER PRINTED STAMPED ENVELOPES



CAUTION: ILLEGIBLE OR INCORRECT ORDERS DELAY RECEIPT OF ENVELOPES

(c) *Return address requirements.* (1) The printed return address must include:

(i) Local address (rural route number and box number, street address, post office box, name of building and room or apartment number including street address, or names of intersecting streets specifying which corner). The adequacy of the address, to ensure return of undeliverable mail will be determined by the postmaster.

(ii) Name of post office or branch post office, delivery zone number, and State.

(2) Printing of any of the following may be requested:

(i) A request to return after a specified number of days (not less than 3 and not more than 30). If return request is included on envelopes for third-class mail the words, "Return postage guaranteed", must also be included.

(ii) The name may be that of an individual, firm, corporation, institution, association, or society. It may include the name and title of an officer of the concern (as "John Doe, Treasurer, Washington Educational Association") and such titles as "M. D.", "D. D. S.", "Rev.", and "LL. D.", when they are clearly for identification and not for advertising.

(iii) Where your name as part of the return address indicates or incidentally discloses the nature of your business or vocation, it may be printed if the name is a bona fide business name that is used in a corporate charter, copartnership agreement, or other articles of organization, or is the name under which business with the public is actually transacted.

(iv) The name of a branch or department of your business may be printed only when other branches or departments are located at the same post office address, to ensure the return of undeliverable mail.

(3) No other matter may be printed, nor are such forms as phone numbers, Mr. or Esq., permissible. Names like Druggist, Attorney at Law and C. P. A. represent business or professional names and are not classed as titles.

(4) Styles of return addresses available are:

(i) For first-class mail—

After 5 days, return to
(this line optional)
JOHN DOE
1234 Fifth Street
NEW YORK 7, N. Y.

(ii) For third-class mail—

After 5 days, return to
RICHARD ROE
1234 Ninth Avenue
CHICAGO 2, ILL.
Return postage guaranteed

(If sender desires return of undeliverable mail only of obvious value)

CHARLES JONES
610 Seventh Avenue
NEW YORK 11, N. Y.

(iii) To expedite delivery of mail on Long Island, the following style of return address is suggested:

Frank Brown
1218 Tenth Street
Jamaica 7, L. I., N. Y.

(d) *Rejection of envelopes.* Special-request envelopes may be rejected because of defective manufacture, or mistakes in printing, denomination, quality, size, etc. If the mistake was made by the purchaser, the value of the postage only will be returned. If the mistake was made by the post office or its contractor, the entire invoiced value of the envelopes will be returned.

§ 31.4 Purchase of postage.

(a) *Acceptable form of payment.* Foreign or mutilated money is not acceptable. When the post office cannot make change, the exact amount of the purchase must be paid. Postal employees are not required to accept personal checks. To send money by mail use money order or certified check.

(b) *Purchase receipts.* If the purchaser wants a receipt for money paid for postage, prepare the receipt in advance and the postal employee will sign or stamp it when paid.

(c) *Postage due.* Postage due must be paid in cash. Postage-due stamps may not be used for paying postage. They may be purchased, for stamp collections only, through the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

§ 31.5 Exchanges of stamps.

(a) *Post office mistakes.* Mistakes in selling damaged or unserviceable stamps may be corrected by the post office by exchanging stamps at full value.

(b) *Purchaser's mistakes.* Mistakes made by purchaser in buying adhesive stamps of the wrong denomination, or stamped envelopes or postal cards of the wrong kind, size, or denomination may be corrected by exchanging stamps at full value.

(c) *Unserviceable and spoiled envelopes or cards, and unused precanceled stamps.* Unserviceable and spoiled stamped envelopes or postal cards, if uncanceled, and unused precanceled stamps, may be exchanged for other postage-stamped paper as follows:

(1) Stamped envelopes (mutilated no more than is necessary to remove contents), for postage value plus value of postage added as a result of rate increase or for additional service.

(2) Unmutilated air-letter sheets, for 90 percent of postage value.

(3) Unmutilated postal cards, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service.

(4) Sheet postal cards, spoiled in the process of cutting to size, for 85 percent of postage value plus full value of postage added as a result of rate increase or for additional service, if all cut sections are submitted.

(5) Stamps affixed to commercial envelopes and post cards for 90 percent of postage value. The envelopes and post cards must be in a substantially whole condition and in lots of at least 50 of the same denomination and value.

(6) Unused precanceled stamps in full coils or in full sheets from precancel permit holders, for 90 percent of postage value. Stamped envelopes or air-letter sheets with a printed return address, and postal cards with any printed matter of the purchaser, may be exchanged only by the purchaser. If there is no purchaser's printing, they may be exchanged by any responsible person. When redemption cannot be made at time of presentation, the postmaster will furnish a receipt on Form 3210, "Interim Receipt for Stamp Stock Submitted for Redemption", for uncanceled unserviceable or spoiled envelopes or postal cards or for unused precanceled stamps left in his custody.

(d) *Nonexchangeable.* The following are nonexchangeable:

(1) Adhesive stamps, unless mistakes were made in purchasing or stamps were defective or stamps were affixed to commercial envelopes and post cards.

(2) Stamps cut from postal cards, stamped envelopes, or air-letter sheets.

(3) Parts and pieces of postal cards.

(4) Postal cards treated by a coating process.

(5) Mutilated and defaced stamps.

§ 31.6 Validity of stamps.

All postage stamps issued by the United States since 1860 are good for postage from any point in the United States or from any other place where the United States domestic mail service operates, except from the Panama Canal Zone where special Canal Zone stamps are used. The following are not good for postage:

(a) Mutilated or defaced stamps;

(b) Stamps cut from stamped envelopes, letter sheets, or postal cards;

(c) Nonpostage stamps (documentary internal revenue stamps, migratory-bird hunting stamps, U.S. saving and thrift stamps, boat stamps, and the like).

(d) Postage-due, special-delivery, special-handling, and certified mail stamps.

(e) United Nations stamps, except on mail deposited at United Nations, New York.

(f) Stamps of other countries.

§ 31.7 Unlawful transactions.

(a) Unlawful transactions include use of stamps, by postal employees entrusted with the sale or custody of postage stamps, in payment of debts or purchase of salable articles, and sale of stamps, except for cash or for more or less than face value.

(b) Counterfeit stamps are confiscated and forwarded to the inspector-in-charge of the division in which the post office is located. A receipt identifying the stamps will be given to persons from whom counterfeits are confiscated.

PART 32—PRECANCELED STAMPS

Sec.
32.1 Purpose of precanceling.
32.2 Sale and use of precanceled stamps.
32.3 Mailer's precancel postmark.
32.4 Precancel permits.
32.5 Mailings of precanceled mail.

AUTHORITY: §§ 32.1 to 32.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2503, 2507, 2508–2510.

§ 32.1 Purpose of precanceling.

(a) *Definition.* Precanceling means the cancellation of postage stamps, stamped envelopes, or postal cards in advance of mailing. Adhesive postage stamps may be precanceled only by the post office.

(b) *Benefits.* The use of precanceled postage reduces the time and costs of mail handling. Precanceled mail, sorted and tied in packages by the mailer, requires less processing time in the post office, and is therefore dispatched more quickly.

§ 32.2 Sale and use of precanceled stamps.

(a) *Classes of mail.* Precanceled stamps may be used to pay postage on:

(1) Post cards, but on no other first-class mail, unless specifically authorized by the postmaster on Form 3620, "Application for Permit to Use Precanceled Stamps or Government Precanceled Stamp Envelopes".

(2) Second-, third-, and fourth-class mail.

(b) *Place of mailing.* Matter bearing precanceled stamps may be mailed only at the post office which sold the stamps.

(c) *Other than local patrons.* Precancel permits will not be issued to nonlocal patrons unless it is established that the precanceled stamps will be used on mailings prepared for local delivery or that the stamps will be used on mailings prepared for local patrons.

(d) *Prohibited.* Precanceled postage stamps may not be used on matter mailed in boxes, cases, bags, or other containers designed to be reused for mailing purposes.

(e) *Overprinting.* If precanceled postage on a single piece is over 8 cents, the precanceled stamps must be overprinted or handstamped in black ink with the mailer's initials and the numerical abbreviations of the month and year for use; for example, A. B. Co. 9–54. Precanceled stamps overprinted in this way are acceptable on mail during the month shown, and through the 10th of the following month.

(f) *Resale.* Precanceled stamps will be sold only to precancel permit holders for the purpose of paying postage. Unused precanceled stamps may not be sold by permit holders.

(g) *Precanceling for collectors.* Postmasters will not comply with requests for imprints of a precanceling device on postage stamps or blank sheets of paper.

§ 32.3 Mailer's precancel postmark.

Mailers may use a precancel postmark on stamped envelopes mailed at the first-class rate of postage or on postal cards. The precanceling imprint must include the name of the post office and State, the permit number preceded by the words "Mailer's Postmark," the date of mailing, and sufficient cancellation lines to fully deface the stamp. There is illustrated below the authorized design of a mailer's precancel postmark.

§ 32.4 Precancel permits.

(a) *Application for permit.* Applications for permits to use precanceled stamps, precanceled stamped envelopes, and mailer's precancel postmarks must be filed on Form 3620 (Application for Permit to use Precanceled Stamps) at the post office where mailings will be made. Copies of this application form may be obtained from local postmaster. There must be submitted with each application from a patron of another post office a statement that he will use the precanceled stamps sold under the permit only on mailings for local delivery or on mailings prepared for local patrons who shall be named. Applications to use mailer's precancel postmarks must be accompanied with an imprint of the cancellation to be used.

(b) *Issuance of permit.* The postmaster will approve or disapprove the application. If it is approved, he will issue a "Precancel Permit" on Form 3620 to the applicant. If the permit covers the use of a mailer's precancel postmark, the permit will include a statement to that effect.

(c) *Revocation.* (1) Permits may be revoked if used in operating any schemes or enterprise of an unlawful character, or for the purpose of purchasing or acquiring stamps for other than mailing purposes, or for any noncompliance with the instructions on the "Permit", Form 3620.

(2) The permit holder will be notified on Form 3604, "Nonuse of Mailing Permit or Meter License", by the postmaster at the post office that issued the permit that it is to be canceled, with the reasons for cancellation. The permit holder will be allowed 10 days within which to file a written statement why the permit should not be revoked. When no answer is filed, the postmaster will cancel the permit. If an answer is filed, decision will be made by the Assistant Postmaster General, Bureau of Operations, whether the permit shall be continued in effect. Notice of decision will be given the permit holder through the postmaster.

§ 32.5 Mailings of precanceled mail.

Any number of pieces may be mailed at one time regardless of whether they are identical, except for third-class bulk mailings. (See Part 24 of this chapter.)

PART 33—METERED STAMPS

Sec.
33.1 Postage meters.
33.2 Meter license.
33.3 Use of meter.
33.4 Meter stamps.
33.5 Metered reply postage.
33.6 Mailings.
33.7 Meter Record Book.
33.8 Manufacture and distribution of postage meters.

AUTHORITY: §§ 33.1 to 33.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4051–4053.

§ 33.1 Postage meters.

(a) *Use of meter stamps.* Postage may be paid by printing meter stamps with a postage meter on any class of mail. Metered mail is entitled to all the privileges and subject to all the conditions applying to the various classes of mail.

(b) *Benefits.* Postage meters facilitate the purchase, control, and affixing of postage. Metered mail does not require facing, canceling, and postmarking in the post office and can therefore be dispatched more quickly.

(c) *Description of meters.* Postage meters are made to print single, several, or all denominations of postage. They contain in one sealed unit the printing die or dies and two recording counters. One adds and keeps a total of all postage printed by the meter. The other subtracts and shows the balance of postage remaining in the meter, after the use of which it will lock. From time to time the meter may be taken to the post office to have the counter set for such additional postage as may be desired to have added to the balance of postage remaining. Payment must be made for each additional setting.

(d) *Meter manufacturers.* Postage meters may be leased from authorized manufacturers who are held responsible by the Post Office Department for the control, operation, maintenance and replacement, when necessary, of meters manufactured by them. The following manufacturers are presently authorized to lease meters to mailers:

(1) Commercial Controls Corp., Division of Friden, Inc., Rochester, N.Y.
(2) International Postal Supply Co., Division of Friden, Inc., Lewistown, Pa.
(3) National Cash Register Co., Dayton, Ohio.
(4) Pitney-Bowes, Inc., Stamford, Conn.
(5) Postalia Division, Tele-Norm Corp., New York, N.Y.

(e) *Control.* After a meter has been delivered to a licensee, he must keep it in his custody until turned over to the authorized manufacturer or to the post office. Tampering with or misuse of a meter is punishable by law.

§ 33.2 Meter license.

(a) *Application.* A patron may obtain a "License To Use a Postage Meter", Form 3601–A, by submitting an application on Form 3601–A (or a form supplied by the manufacturer) to the post office where his metered mail will be deposited. No fee is charged. The application must specify the make and model of the meter. A specimen meter stamp must be submitted with the application. On approval, the postmaster will issue a license.

(b) *Revocation.* (1) The license may be revoked if used in operating any scheme or enterprise of an unlawful character, for nonuse during any consecutive 12 months, or for any failure to comply with the regulations governing the use of postage meters.

(2) The meter license holder will be notified by the postmaster that the license is to be canceled, and the reasons for cancellation. If no written statement of objections is filed by the license holder within 10 days, the postmaster will cancel the license. If a written statement is filed, the Bureau of Operations, Classification and Special Services Division, will decide whether or not the license shall be continued in effect and will notify the license holder through the postmaster.

§ 33.3 Use of meter.

(a) *Sealing of meter.* A patron may not have any postage meter in his possession until it has been set and sealed at the post office that issued the license or, if more convenient, at one of its stations or branches where meters are set. A Meter Record Book, Form 3602–A, is issued at the time of initial setting. When the Meter Record Book is filled, a new one will be issued without charge.

(b) *Payment of postage.* (1) A meter licensee must bring the meter and Meter Record Book to the post office or station or branch where it was first set, for resettings and payments of postage. Postage must be paid at time of setting. The postmaster will issue a Meter Setting Receipt, Form 3603–A, for the amount of postage paid. If a meter is not reset within a 6-month period, it must be presented, with Meter Record Book, showing daily register readings, at the post office, station or branch where last set, for examination.

(2) Local postmasters may set a meter for use in paying postage on fourth-class packages to be presented at another post office under the following conditions:

(i) A meter license must be obtained from the post office where packages are to be mailed (see § 33.2 (a)). When the license is received, present it to the local post office with the meter for setting. The license will be returned to the licensee.

(ii) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(iii) Payment for each meter setting must be made by certified check payable to the postmaster at the post office where packages will be mailed. The check must be presented to the local post office when the meter is set.

(iv) The packages may not be consigned to the post office in bulk by freight, express or other carrier. They must be presented for mailing at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the packages until they are actually received in the mails.

(v) Packages sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose.

(vi) If other than fourth-class mail is presented under this arrangement, the matter will be refused.

(vii) When the use of a meter is discontinued, it must be presented to the post office where it was set for checking out of service. Any postage adjustment will be made by the postmaster where the packages have been mailed.

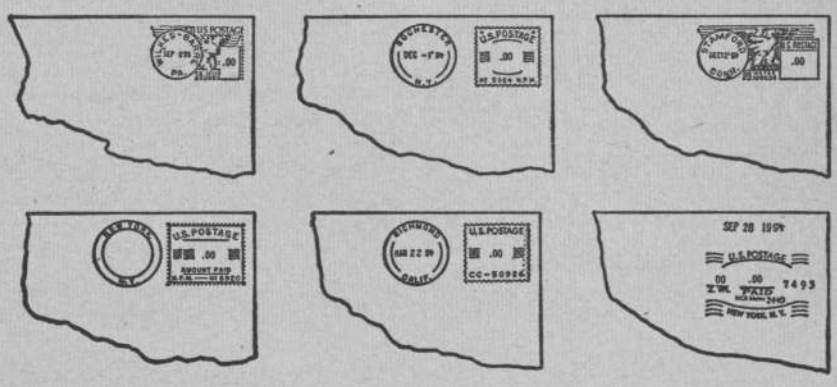
(c) *Faulty mechanism.* If the printing and recording mechanism is faulty in any way, the meter must not be used but should be taken promptly to the post office, branch, or station where it is regularly set for checking out of service.

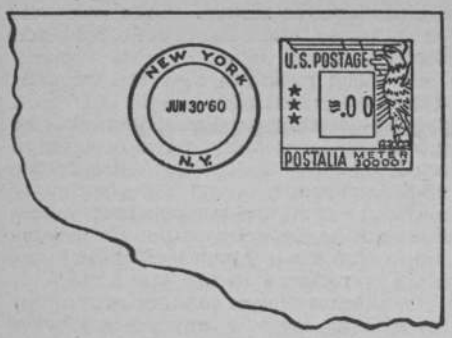
(d) *Discontinuance.* When a licensee discontinues the use of a postage meter he must take it to the post office with the Meter Record Book. Unused postage in the meter may be transferred to another meter used by the licensee and registered at the same post office, or the postmaster may refund the amount, in accordance with provisions on the License form. The Meter Record Book is returned to the licensee and should be kept on file for at least 1 year from the date of final entry. Application for refund should be made on Form 3533, Application and Voucher for Refund of Postage and Fees, or on a special form furnished by the meter manufacturer.

(e) *Refunds for unused meter stamps.* When complete and legible meter stamps cannot be used because of misprints, spoiled envelopes or cards, and the like, the licensee may apply to the postmaster for refund of postage up to 90 percent of postage value. (See § 37.2 of this chapter.)

§ 33.4 Meter stamps.

(a) *Designs.* The types, sizes, and styles of meter stamps are fixed when meters are approved by the Post Office Department for manufacture. Some approved designs are illustrated below.





(b) *Legibility.* Meter stamps must be legible and not overlap. Illegible or overlapping meter stamps will not be counted in determining postage paid.

(c) *Meter stamps on tape.* When meter stamps are printed on tape, only tape approved by the Post Office Department may be used.

(d) *Position.* Meter stamps must be printed or stuck in the upper right corner of the envelope, address label, or tag.

(e) *Content.* Meter stamps must show city, State, meter number, and amount of postage for all classes of mail. When it is necessary to print multi-denomination meter stamps on more than one tape, the circle showing the post office must appear on each tape.

(f) *Date of mailing.* Meter stamps must show the date of mailing on all first-class mail, special delivery, special handling, or airmail; on all mail sent registered, insured, or COD., and when printed on separate tapes used on first-class mail. The month and year must be shown on tapes used on second-, third-, and fourth-class mail, but the day may be omitted. When tapes are not used the date may not be shown in meter stamps on second-, third-, or fourth-class mail.

(g) *Hour of mailing.* The hour of mailing may be shown only on first-class, air, or special delivery mail, and then only when it is mailed in time to be dispatched at the hour shown.

(h) *Meter slogan and ad plates.* Licensees may print restricted advertising matter simultaneously with meter stamps within space limitations. Licensees must obtain the plates for advertising from authorized manufacturers of meters to assure suitable quality and content in accordance with the requirements of the Department. The plates should not be used to print postal endorsements on mail. Slogans must not be objectionable or misleading.

§ 33.5 Metered reply postage.

(a) Meter stamps may be used to prepay reply or return postage under the following conditions:

(1) Meter stamps must be printed directly on the envelope or card that bears the printed return address of the license holder.

(2) The words "No postage stamp necessary—postage has been prepaid by _____" must be printed immediately above the return address in the manner shown below:

(Meter stamp to be placed here)

NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

John Doe Company
123 Tremont Street,
New York 10, N. Y.

(3) Reply or return mail prepaid by meter stamps will be delivered only to the printed address. If the printed address is altered, the mail will be held for postage.

§ 33.6 Mailings.

(a) *Preparation.* The mailer must face metered mail, except packages or irregular overweight mail, and secure it well in bundles. This prevents it becoming mixed with other mail which has to be faced, canceled, and postmarked in the post office. Each class and denomination must be bundled together if possible. Special delivery and airmail should always be bundled separately or located on the top of a bundle. (See Part 24 of this chapter for mailing of third-class bulk mail.) Properly prepared metered mail can go direct to the distribution cases in post offices and thereby be expedited in dispatch.

(b) *Place of mailing.* Metered mail, other than reply mail (see § 33.5), must be mailed from the post office shown in the meter stamp. To secure the fastest dispatch metered mail should be deposited at the main post office or a station or branch thereof. Except for bulk mailings of third-class mail, metered mail may be deposited in any street collection box, building receptacle or other place, under the jurisdiction of the post office of meter settings, where mail is accepted. Limited quantities of airmail, special delivery, or other important first-class mail may be taken direct to trains, docks, or airports.

§ 33.7 Meter Record Book.

The licensee must enter daily in the Meter Record Book, Form 3602–A, the figures appearing in the ascending and descending registers of the meter. If at any time the sum of the two figures does not equal the total entered at the last setting, the meter should be taken promptly to the post office, station or branch where it was set, for examination.

§ 33.8 Manufacture and distribution of postage meters.

(a) *Authorization to manufacture and lease*—(1) *Qualification.* Any concern desiring authorization to manufacture and lease postage meters for use by mailers under § 33.1(d) must qualify as follows:

(i) Satisfy the Post Office Department as to its integrity and financial responsibility.

(ii) Obtain approval of at least one model postage meter incorporating all the mechanical features and safeguards specified in paragraph (b) of this section.

(iii) Have, or establish, and maintain under its supervision and control adequate manufacturing facilities suitable to carry out to the satisfaction of the Post Office Department the provisions of paragraph (d) of this section. Such facilities shall be subject to inspection by representatives of the Bureau of Operations, Post Office Department.

(iv) Have, or establish, and maintain adequate facilities for the control, distribution, and maintenance of postage meters and their replacement when necessary.

(2) *Application.* Any person or concern seeking authorization to manufacture postage meters may make application to the Bureau of Operations, Post Office Department in person or in writing. On qualification and approval the applicant will be authorized in writing to manufacture postage meters and to lease them to mailers. The name of the manufacturer will be listed in the Code of Federal Regulations. (See § 33.1 (d) for listings.)

(3) *Suspension.* The Post Office Department may require a manufacturer to suspend production and distribution of any or all of his models of postage meters pending investigation to determine if his authorization should be revoked and will fully advise him of the facts which may warrant such action. The manufacturer will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

(4) *Revocation.* Authorization may be revoked if the manufacturer engages in any scheme or enterprise of an unlawful character or fails to comply with any of the provisions of this part.

(b) *Specifications.* Postage meters must incorporate all of the following mechanical features and safeguards:

(1) A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the Post Office for setting.

(2) A postage meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination), or it may be capable of printing several denominations and registering either multiples of the smallest unit printed (multi denomination) or the currency value of the impressions made (omni denomination). The printing die or dies,

counters, and counter-actuating mechanism must be inseparable in the unit brought to the Post Office for setting.

(3) In each postage meter there must be two accurate and dependable counting devices, one ascending and registering the total imprinted, the other descending and registering the balance of the last setting remaining unused. The descending register must actuate a locking mechanism preventing further operation of the meter after the register has reduced to an amount less than the largest denomination printable in one operation or to zero. The descending register must be so constructed as to be easily set at the Post Office for any amount of postage or number of impressions within its capacity, prepaid by the mailer.

(4) The entire mechanism must be encased in a substantial housing. The descending register must be accessible to the Post Office by means of a door equipped with a suitable lock and with provision for a Post Office seal. The ascending register and all other mechanism must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, either by visibility through closed windows, or by imprint on tape or card, or by a combination of the two methods. The housing must be of such construction that it is impossible to alter the readings of the ascending register except by normal operation, or to gain access to the internal mechanism except for setting the descending register as provided in subparagraph (3) of this paragraph, without mutilation.

(5) The printing die must either conform in design to one already in use or be approved by the Bureau of Operations, Post Office Department. It must include the serial number of the meter and identification of the manufacturer, and be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints fraudulently.

(6) The meter die must include a postmark to print the name of the city and State from which mail is dispatched and the date of mailing. The postmark must be printed at the left of but adjacent to the denomination stamp and may be either included in an overall design with the demomination stamp or separated from it. Provision must be made so that the date may be either printed or omitted as required by the Post Office Department on the various classes of mail. Provision may be made to print an hour of mailing either within or in a close position outside the postmark. Provision may also be made to print designations such as "Nonprofit Org.", and the like, adjacent to and in the same operation with the meter stamp. The denomination die must not be completely exposed at any time during the process of installing or removing postmark dies, daters, hour type, or special designation slugs or when changing the date.

(7) Provision may be made in a meter for a meter slogan or ad plate to print to the left of and adjacent to the postmark. The size and position of a slogan or meter ad must be such that it will not interfere with or obscure the meter stamp or postmark and it must be possible to install the plate easily without exposing the meter stamp die. Plates must be made of suitable, durable material which will not soften or disintegrate while in use. They must be well fitted and so securely fastened to the printing mechanism that they will not become loose or detached or otherwise interfere with proper operation of a meter.

(8) The entire mechanism must be of such solid, substantial, and dependable construction as to protect the Post Office Department amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Bureau of Operations, Post Office Department, after being tested by the National Bureau of Standards or the Post Office Department Laboratory, at the expense of the manufacturer. A preliminary working model may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Bureau of Operations, Post Office Department and no changes affecting the basic features or safeguards may be made thereafter without departmental approval.

(3) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards or the Post Office Department Laboratory, for test, at the expense of the manufacturer, as may be requested by the Bureau of Operations, Post Office Department.

(d) *Safeguards*—(1) *Materials and workmanship.* All meters must closely adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to assure proper maintenance and interchangeability of parts.

(2) *Breakdown tests.* At reasonably frequent intervals the manufacturer must take meters at random from production and subject them to breakdown tests to make certain that quality and performance standards are maintained.

(3) *Protection of printing dies and keys.* During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of keys or of serially numbered postage printing dies or component parts, such as denomination printing dies, which might be used in some manner to defraud the Government of postal revenues. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated beyond the possibility of use, or be completely destroyed.

(4) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed.

(5) *Inspection of new and rebuilt meters.* All new and rebuilt meters must be carefully inspected before leaving the manufacturer's meter service station.

(6) *Keys and setting equipment.* The meter manufacturer must furnish keys and other essential equipment for setting his meters to all post offices under whose jurisdiction his meters are licensed for use. These items must be protected and shall not be furnished to persons not authorized by the Post Office Department to have them.

(e) *Distribution*—(1) *Facilities.* Authorized manufacturers must maintain adequate facilities for the distribution, control and maintenance of postage meters. All such facilities are subject to inspection by representatives of the Bureau of Operations, Post Office Department.

(2) *Controls.* Each authorized manufacturer is required to:

(i) Retain title permanently to all meters of his manufacture except such as may be purchased by the Post Office Department for use in post offices.

(ii) Lease his meters only to mailers to whom meter licenses have been issued by the post office.

(iii) Supply only those meter slogan or ad plates that meet the requirements of the Department for suitable quality and content.

(iv) Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.

(v) Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.

(vi) Report the loss or theft of any of his meters or the recovery of any lost or stolen meters immediately to the local postmaster, the local police, and the Bureau of Operations, Post Office Department.

(vii) Report to the appropriate Regional Controller office of the Post Office Department each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department. These records may be destroyed three years after the meter is scrapped.

(ix) Cancel his lease agreement with any mailer whose meter license is canceled by the Department and remove his meter promptly.

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

(xi) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the Post Office Department the mechanical condition or fault which caused the failure.

(xii) Submit such other reports to the Post Office Department as may be required from time to time.

(f) *Maintenance*—(1) *Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

(2) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least once each 6 months. Inspections must be sufficiently thorough to determine that each meter is clean and in proper operating condition, is recording its operations correctly and accurately, and that neither the Post Office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

(3) *Repair of internal mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the post office or setting before they are opened or any internal repairs undertaken.

(g) *Notice of proposed changes in regulations.* So far as may be consistent with the public interest, before any changes are made in the regulations of this part, the Post Office Department will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture, or who may be interested in manufacturing, postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed changes if they are adopted.

PART 34—PERMIT IMPRINTS

Sec.

34.1 Permit.
34.2 Preparation of permit imprints.
34.3 Content of permit imprints.
34.4 Form of permit imprints.
34.5 Mailings with permit imprints.
34.6 Additional services.
34.7 Improper use of permit imprints.

AUTHORITY: §§ 34.1 to 34.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2508, 4051–4053.

§ 34.1 Permit.

(a) *Application.* A permit to use permit imprints and pay postage in cash at the time of mailing may be obtained by submitting Form 3601, Application to Mail without Affixing Postage Stamps, with a fee of $10, to the post office where mailings will be made. The postmaster will give a receipt for the fee on Form 3544, Post Office Receipt for Money. No other fee for use of permit imprints has to be paid so long as the permit is active. However, the applicant must also pay an annual bulk mailing fee if he mails third-class matter at bulk rates. See § 24.4(b)(2) of this chapter.

(b) *Revocation.* The permit may be revoked if used in operating any unlawful scheme or enterprise, for nonuse during any consecutive 12 months, or for any noncompliance with instructions on permit POD Form 3601. The method of revoking permit is described in § 32.4 (c) of this chapter.

§ 34.2 Preparation of permit imprints.

Permit imprints may be made by printing press, handstamp, lithography, mimeograph, multigraph, addressograph, or similar device. They may not be typewritten or hand drawn. The style of imprint must conform with those illustrated in § 34.4. No other style may be used. The imprint must be legible and must be of a color that contrasts sufficiently with the paper to make the imprint readable. It must be placed in the upper right corner of the address side of each piece.

§ 34.3 Content of permit imprints.

Permit imprints must show:

(a) *For first-class mail.* City and State; date (hour may be included with date if mailing is made in time to be dispatched at that hour); the words "First-Class Mail" and "Paid" with the amount of postage; and the permit number. Exception: The date may be omitted from any mail when sender so desires.

(b) *For second-, third-, and fourth-class mail.* Same as first-class, except the date and the words "First-Class Mail" are omitted. The amount of postage may be omitted on matter mailed at bulk third-class pound rates, but should be included when it is known the per-piece rates will apply. The amount of postage must be shown on pieces of third-class mail subject to the minimum charge for odd size or shape. (See § 24.2(b)(3).)

§ 34.4 Form of permit imprints.

Permit imprints must be prepared in one of the forms illustrated. The addition of extraneous matter is not permitted.

FIRST-CLASS MAIL

SECOND-, THIRD-, AND FOURTH-CLASS MAIL
(*Date* and *First-Class Mail* omitted)

BULK THIRD-CLASS MAIL
(Pound rate only)

§ 34.5 Mailings with permit imprints.

(a) *Minimum quantities.* Except as stated in paragraph (b) of this section, minimum quantities required to be mailed at one time are as follows:

(1) *First-class mail.* 300 pieces of identical weight.

(2) *Second- and third-class mail.* 300 pieces of identical matter, except 20 pounds or 200 pieces of identical third-class bulk mail (see Parts 16 and 24 of this chapter).

(3) *Fourth-class mail.* 250 pieces of identical matter.

(4) *International mail.* See § 111.2 (b)(2) of this chapter. 300 pieces of identical matter.

(b) *Exceptions to minimum quantities.* When any mailing consists of less than the required minimum, enter an explanation on the Mailing Statement, Form 3602 "Statement of mailing of matter with Permit Imprints". Exceptions may be made for the following reasons only:

(1) *First-class mail.* Occasional exception for a mailer whose total daily mailings are not much more than 300 but who, to cooperate with the post office, presents a portion of his mailings early in the day.

(2) *All classes of mail.* When a large mailing extends over two or more consecutive days and the last deposit, made

to complete the mailing, is less than the minimum.

(c) *Preparation for mailing.* All classes of mail must be faced. Mailers must separate second-, third- (non-bulk), and fourth-class by cities and States according to postmaster's instructions. Mailers must separate first- and fourth-class according to postage paid on each piece; that is: put pieces subject to 3 cents each in one lot, those subject to 6 cents each in another lot, etc. (See § 24.4(b)(5) of this chapter for mailing of third-class bulk mail.)

(d) *Place of mailing.* Deposit mail at the post office that issued the permit or at a station or branch designated by the postmaster.

(e) *Mailing statement.* Prepare and sign a Mailing Statement, Form 3602, for each mailing. The statement must be prepared by typewriter, ink, or indelible pencil to show the sender's address, permit number, class of mail, number of pieces in the mailing, and weight of single piece. For third-class bulk mailings, additional information required by the Mailing Statement must be shown. If a receipt is desired, present a duplicate copy of Form 3602, which will be initialed by the accepting employee after verification and returned to the mailer.

(f) *Payment of postage.* The mailer must pay for each mailing when it is presented at the post office, or make an advance deposit of enough to cover more than one mailing. Payments for postage or deposits must be made at points designated by the postmaster. These payments will not be accepted by employees handling the mail. Advance deposits may be made by mail. When the deposit becomes less than enough to pay for an entire mailing, an additional amount must be deposited before any mailings are made. The postmaster will furnish a receipt for each payment, on Form 3544. Credit for postage is not allowed. Postage on a mailing must be paid by only one method; that is, postage may not be paid partly in money and partly by postage stamps.

(g) *Post office computation of postage*—(1) *Random samples.* Enough pieces will be selected at random from the entire lot to determine whether the whole mailing consists of identical pieces.

(2) *Weight of single piece.* Determine the exact weight of a single piece and the amount of postage required. When scales do not show exact weight of a single piece, weigh enough pieces to balance beam and divide total weight by number weighed.

Example:

20 pieces weigh exactly 3½ ounces.
3.5÷20=0.175 ounce.

(3) *Total number of pieces.* Ascertain the total number of pieces by one of the following methods.

(i) Find the total weight, in pounds, exclusive of tare. (For definition of tare see subparagraph (5) of this paragraph.) Reduce the pounds to ounces and divide the total number of ounces by the weight of a single piece.

Example: Mailer's statement shows 1,240 pieces in mailing which weigh 13 pounds, 9 ounces. A single piece weighs 0.175 ounce. Convert weight to ounces:

13×16+9=217 ounces.
217÷0.175=1,240 pieces.

(ii) Find the total weight, exclusive of tare, and the total weight exactly of 100 pieces in ounces and fractions of an ounce. Divide the total weight by the weight of 100 pieces. This will give the total number of hundreds and fractions of a hundred in the entire lot.

Example: Mailer's statement shows 124,400 pieces in mailing which weigh 1,360 pounds, 10 ounces. A single piece weighs 0.175 ounce. Convert weight to ounces:

1,360×16+10=21,770.
Weight of 100 pieces: 0.175×100=17.5.
21,770÷17.5=1,244.
1,244×100=124,400 pieces.

(4) *Agreement with mailing statement.* The result of either of these methods of computation should agree with the number of pieces shown on the statement of mailing. If they do not agree the matter will be taken up with the mailer and, if necessary, further examination and verification will be made.

(5) *Tare.* Tare includes sacks, cartons or other containers, hand trucks, skids, or similar pieces of equipment upon which the mail may be placed during the weighing operation.

§ 34.6 Additional services.

Postage may be paid by means of permit imprints on matter which is entitled to be registered or sent as certified, insured, or COD mail.

§ 34.7 Improper use of permit imprints.

Mail bearing permit imprints must not be distributed otherwise than through the mails, and will not be accepted at any post office except that shown in the imprint. Matter bearing permit imprints must not be used as enclosures.

PART 35—PHILATELY

Sec.
35.1 Commemorative stamps.
35.2 The philatelic sales agency.
35.3 New stamp issue.
35.4 Cancellations for philatelic purposes.
35.5 Inaugural covers.
35.6 Stamp exhibits.
35.7 Stamp publication.

AUTHORITY: §§ 35.1 to 35.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2501, 2504.

§ 35.1 Commemorative stamps.

(a) *Description.* Commemorative stamps are postage stamps issued in limited quantities to focus attention on historical places, events, or personages. Widespread use of these stamps by the American public is encouraged by the Department in order that our ideals, progress, and heritage, as reflected in our stamps, are carried throughout the world. They do not displace regular stamps of like denomination, but are provided on request, if available.

(b) *Commemorative stamp supplies.* Postmasters shall carefully evaluate the demand for new stamp issues and shall forward a separate requisition for adequate stocks in accordance with notices which appear in the Postal Bulletin, so that stock will be available at all post offices on the day following official first-day sale. Regional distributing offices shall make certain stamps are supplied to post offices in time to permit sales the day after the official first-day sale.

(c) *Sale of commemorative stamps.* Commemorative stamps will be sold to meet the public demand until supply is exhausted, as follows:

(1) *Philatelic window service.* In post offices where full or part-time philatelic window service is provided, the sale of plate numbers and marginal markings shall be restricted according to the instructions outlined by the Philatelic Sales Agency. When notice is published in Postal Bulletin of removal of a stamp from sale in the Philatelic Sales Agency, the item will be immediately withdrawn from the philatelic window of post offices and the stock sold for regular postage purposes.

(2) *Plate number blocks.* Plate number blocks are the stamps (usually requested in blocks of four) located on one corner of a sheet of stamps with a plate number printed on the margin. Stamp clerks must not remove plate number blocks in advance from a large number of sheets for the benefit of individual purchasers. Plate blocks may be laid aside, however, as sheets are broken for regular sale purposes and may be sold as an accommodation to local stamp collectors.

(3) *Outside sales of commemorative stamps.* Postmasters shall not accept mail orders for postage stamps from patrons outside the limits of the area served by their post office, and any such requests shall be returned to the sender calling attention to the services provided by the Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

§ 35.2 The philatelic sales agency.

(a) *Establishment and purpose.* The Philatelic Sales Agency was established on November 25, 1921, to make available to stamp collectors United States postage stamps of selected quality. Stamps sold by the Agency are the best available, having been selected for good centering, and freedom from tears and other flaws.

(b) *Stamps available.* In addition to stamps of the ordinary series, the Agency has for sale commemorative, airmail, special delivery, special handling, postage-due, and migratory-bird hunting stamps. To get a list of items available for sale, send a self-addressed stamped envelope with your request to the Philatelic Sales Agency, Post Office Department, Washington 25, D.C. The list is revised when a new stamp is announced or an old one withdrawn.

(c) *Order for stamps.* All stamps are for sale at face value plus postage and handling charges listed below, for mail orders where domestic rates apply:

1–49 stamps	$0.05
50–400 stamps	.10
401–1,000 stamps	.20
1,001–3,000 stamps	.40
3,001–5,000 stamps	.70
5,001–10,000 stamps	1.20
10,001–35,000 stamps	3.00
Over 35,000 stamps	5.00

A flat charge of 50 cents will be made on each order for registration, regardless of value, where this protection is desired. All mail orders will be returned by official permit mail, and postage stamps will not be affixed to covering envelopes. Address your order to Philatelic Sales Agency, Post Office Department, Washington 25, D.C.

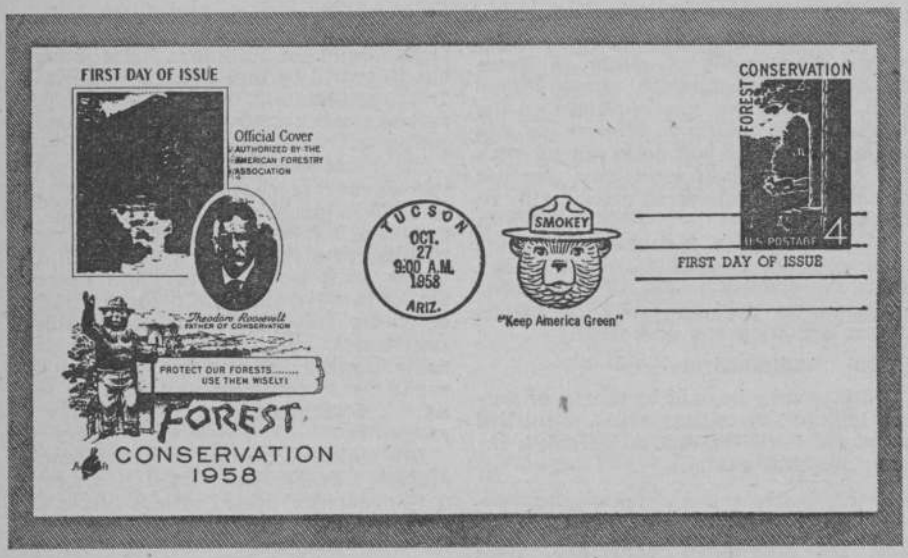
(d) *Remittance.* Remittance should be by money order, cashier's check, or certified check payable to Philatelic Sales Agency. Postage stamps, and foreign or mutilated money are not acceptable. If cash is sent, it is suggested that the letter be registered.

§ 35.3 New stamp issues.

(a) *Notification.* Issuance of new stamps is announced by notices displayed in the lobbies of post offices, and through the press and philatelic periodicals.

(b) *First-day sale.* A post office selected because of some historical connection with the person or event commemorated is authorized to have exclusive sale of a new stamp on its first day of sale. All other post offices may sell the stamp the following day.

(c) *First-day covers.* (1) First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading First Day of Issue, and a pictorial cancellation adding an interpretation of the meaning of the stamp, as illustrated below. If a first-day cancellation of a new stamp is desired, send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of stamps. (See § 35.2(d).)



(2) Cover envelopes should be of ordinary letter size and each must be properly addressed. Place an enclosure of postal card thickness in each envelope, and either turn in the flap or seal it. Endorse the envelope, enclosing the covers to the postmaster, First-Day Covers. Put a pencil notation in the upper right corner of each cover to show the number of postage stamps to be stuck there.

(3) With orders for first-day covers, do not include requests for uncanceled stamps.

(4) The Philatelic Sales Agency does not service first-day covers.

§ 35.4 Cancellations for philatelic purposes.

(a) *How stamps are canceled.* Postmasters will cooperate with stamp collectors by furnishing clean and legible postmarks, and they will give special attention to mail bearing an endorsement that it is of philatelic value or to a request for a light cancellation. Stamps must be canceled sufficiently to protect the postal revenue but this should be accomplished without excessive defacement, and with a minimum number of impressions.

(b) *Plain cards or slips of paper.* Postmarks will not be placed on plain slips of paper or plain cards (including those bearing postage stamps representing less than a lawful rate of postage) submitted for philatelic or other purposes.

(c) *Picture post cards (maximum cards).* Picture post cards with the stamp stuck on the face of the card rather than on the address side are known as maximum cards. Postmasters may cancel these cards and hand them back to the person presenting them. Maximum cards are considered to be collectors' items and must be given special care in cancelling.

§ 35.5 Inaugural covers.

(a) *First flights—(1) Cachets authorized.* The Post Office Department recognizes events such as new air service by applying cachets on inaugural covers. Cachets are authorized for all stop points on a new air mail route, for new stop points on existing routes or additional segments, and for events of national aviation interest. Official cachets of distinctive commemorative design are authorized by publication of notice in the Postal Bulletin after notification by the carrier of at least 20 days prior to the scheduled date of the new service.

(2) *Where cachets may be used.* (i) Official cachets are authorized for use at post offices and airport mail facilities on covers actually dispatched on the inaugural flights.

(ii) One or more of the following points may be authorized to use official cachets:

(*a*) *Terminal points.* Cachet will be applied to covers dispatched on the actual inaugural flight.

(*b*) *Intermediate points.* Cachet will be applied to covers dispatched to the actual inaugural flights in each direction. If service is inaugurated in only one direction, cachet will not be used when service is established in the other direction at a later date.

(3) *Preparation of covers.* (i) Covers must be individually addressed to a post office.

(ii) Covers must bear postage at the airmail letter rate.

(iii) Each envelope should contain a uniform enclosure of the approximate weight of a postal card to assure a good impression.

(iv) A space should be provided on the address side, at least 4 inches to the left of the right end of the envelope and 1½ inches to the left of the innermost stamp to permit a clear impression of the postmark.

(v) A clear space 2½ by 2½ inches must appear to the left of the postmark and address area for application of the cachet. If this clear space is not provided, the cachet will not be applied.

(4) *Submission of covers.* (i) Send the items for inaugural cachets under cover to the postmaster or superintendent, airport mail facility, at the point where service is to be inaugurated.

(ii) Include a letter requesting the holding of the covers for the inaugural service and stating the cachet desired.

(5) *Compliance with collectors requests*—(i) *Directional covers.* Requests of collectors for dispatch in a particular direction will be complied with to the greatest extent practicable.

(ii) *Point-to-point covers.* Requests of collectors for point-to-point covers will not be observed. Request that a dispatching office send one each of several covers to each stop point will not be honored.

(iii) *Direction not specified.* In the absence of specific requests, covers will be dispatched on the actual first flight, regardless of direction.

(iv) *Incomplete instructions.* If the collector's request is not clear, covers will be dispatched in accordance with the judgment of the dispatching office.

(v) *Color of ink.* Request for the use of a color of ink other than that specified by the Post Office Department will not be complied with. The specified color of ink will be used in applying the cachet to all covers.

(vi) *Position of cachet.* Cachets will be applied legibly and neatly to left portion of address side of cover. Cachets will not be applied to:

(a) Covers for immediate return to sender; covers must receive dispatch on first flight.

(b) Covers bearing a previous official or unofficial cachet.

(c) Covers lacking sufficient clear space for application of cachet without obscuring the address.

(d) Double postal or post cards intended for return reply purposes.

(e) Covers received after first flight.

(f) Covers on which postage is not fully prepaid.

(g) To anything other than an inaugural cover.

(vii) *Backstamping.* All inaugural covers will be backstamped at a designated post office and forwarded to address destination. Requests for additional or special backstamping will not be honored.

(b) *First highway post office trips*—(1) *Announcement of service.* The Post Office Department recognizes events such as new HPO service by applying special postmarks to inaugural covers. A notice that new service will be established is published in the Postal Bulletin when the decision to establish service is made, far enough in advance of the beginning date so that the notice will reach most subscribers in time to permit them to send covers for dispatch on first trips.

(2) *Special postmark.* No official cachets are applied to first-trip covers, but when time permits procuring distinctive first-trip postmarking stamps for each trip, impressions of them are used to postmark all covers carried on the first trips.

(3) *Preparing covers.* Prepare covers as described in paragraph (a)(3) of this section, except postage will be at the first-class rate.

(4) *Submitting covers.* Send first-trip covers to the postmaster at the initial terminal of the trip on which the cover carried is wanted, with a letter or note instructing the postmaster to dispatch the cover on the desired trip.

(5) *Complying with collectors' requests.* (i) All covers received at the initial post office or by the crew en route will be carried to the end of the run and dispatched to addressees from that point. Requests for different dispatch will not be honored. No backstamps will be applied to first-trip HPO covers.

(ii) The first-trip stamp is evidence that the cover was carried on the trip indicated.

§ 35.6 Stamp exhibits.

(a) *Loan exhibits.* The Post Office Department has a set of valuable stamp exhibit frames which are available for display at stamp exhibitions and conventions. These are sent upon request to national and international exhibits as well as to the conventions of the larger stamp societies. Requests should be addressed to the Director, Division of Philately, Post Office Department, Washington 25, D.C.

(b) *Philatelic exhibit.* The Office of the Special Assistant to the Postmaster General maintains a comprehensive exhibit of United States postage stamps, containing die proofs of all domestic stamps since 1847. There are also approximately 40,000 stamps of other countries in this exhibit, from every postal administration in the world. Equipment used in the production of postage stamps, such as a plate and transfer roll, is shown to illustrate methods of manufacture. Philatelic publications are on file for the benefit of students and collectors.

§ 35.7 Stamp publication.

The Department issues a publication (POD–9 rev.) entitled "Postage Stamps of the United States", containing reproductions and information of interest to collectors on all U.S. stamps issued from 1847 through the Dr. Ephraim McDowell "Famous American" stamp, issued December 3, 1959. See § 4.2 of this chapter.

PART 36—SPECIAL CANCELLATIONS

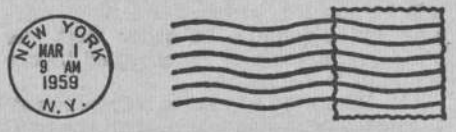
Sec.

36.1 Description of machine cancellations.
36.2 How sponsors obtain special cancellations.
36.3 Disposition.
36.4 Revocation.
36.5 Mail submitted for special cancellation.

AUTHORITY: §§ 36.1 to 36.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2508, 2509.

§ 36.1 Description of machine cancellations.

The canceling of postage stamps and the printing of the postmark circle on letter mail is accomplished simultaneously by the inked die hubs of high speed canceling machines. The cancellation portion of the impression appears to the right of the postmark circle and consists of lines, or messages, to sufficiently deface stamps in the area indicated in the following diagram:



Special canceling machine die hubs may be authorized for use in place of the regular die hubs at designated post offices. When authorized, the special die hubs are placed on canceling machines through which a large volume of letter mail is canceled.

§ 36.2 How sponsors obtain special cancellations.

(a) *Requirements for use*—(1) *When.* (i) Permission for use of special cancellations is granted for advertising purposes in the following cases only:

(*a*) Where the event to be advertised is for some national purpose for which Congress has made an appropriation; or

(*b*) Where the event to be advertised is of general public interest and importance, to endure for a definite period of time, and is not to be conducted for private gain or profit.

(ii) Special cancellations are not authorized for:

(*a*) Events of interest primarily to a particular local group.

(*b*) Fraternal, political, religious, commercial, or trade organizations.

(*c*) Campaigns or events promoting the sale or use of private products or services.

(*d*) Idea or slogan promotion not directly connected with an event of general public interest and importance.

(*e*) Events which occur during a period when all canceling machines in the post office have already been scheduled for the use of other special cancellation die hubs.

(2) *Where.* The cancellation may be used only in a first- or second-class post office.

(3) *Period of time.* The special cancellation may not be used longer than 6 months, plus the duration of the event.

(4) *Cost.* The sponsor must pay the cost of manufacturing the special cancellation die hub, and any costs incurred in adapting canceling machines for its use or for installing the hub. The cost of a die hub is usually $36 to $60. The organization or persons assuming the cost of manufacturing the die hub are billed by the manufacturer.

(b) *Wording.* The space available for the wording is shown in the illustration below. The wording must be limited to 3 lines of not more than 20 letters, numbers, or spaces each, so that the wording may be in type large enough to be legible. The wording must relate direct to the event. Illustrations or designs should

not be used because of the limited space available on the die hub.

(c) *Application*—(1) *Where to apply.* If the event to be advertised meets the conditions in paragraph (a)(1) of this section, submit the application in writing to the postmaster at the post office where the cancellation die hub is to be used, so that the postmaster can furnish the Department certain necessary information.

(2) *When to apply.* The application should be submitted to the postmaster at least 2 months before the date the cancellation die hub is to be placed in operation.

(3) *Information needed.* The application must provide the following information:

(i) Complete description of the event to be advertised, including evidence that it is not being conducted for private profit.

(ii) Wording of the proposed cancellation.

(iii) Name of the post office where the cancellation is to be used.

(iv) Period of use desired.

(v) Number of die hubs desired.

(vi) Name and address of the sponsor who will be billed for the cost.

(d) *Referral by postmaster.* The postmaster will forward the application to the Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington 25, D.C. The postmaster must furnish with the application a sample impression of the canceling die presently on the machine that is to use the spe-

cial cancellation die and the name of the manufacturer and model of the canceling machine on which the special die hub will be used, and must specify whether the machine is new or old (square or round type ring die). If the canceling machine is a Model Flier, M, or G, the postmaster must state the correct die hub part number from the Operating Instruction Book (1207 or 1207–G for Flier and M Machines, and 218 or 218–A for G Machines). The postmaster must also state the effect the approval would have on the use of special cancellations already approved for his office.

(e) *Authorization.* The sponsor will be informed through the postmaster of the approval or denial of the application. If the application is approved, the Department will arrange for the manufacture of the die hub, and instruct the postmaster as to its use.

§ 36.3 Disposition.

(a) *After use.* Sponsors may not obtain from postmasters die hubs that have been used. Hubs not retained by the postmaster for future use shall be sent by him to the Procurement Parts Unit, Mail Equipment Shops, 2135 Fifth Street NE., Washington 25, D.C., as soon as the period of use is completed.

(b) *Unserviceable die hubs.* (1) Replacement parts for a die hub retained for use during an event which recurs each year may be requisitioned from the Procurement Parts Unit, Mail Equipment Shops, if the die hub can be repaired by the postmaster. Die hubs that cannot be repaired by the postmaster should be sent to the Procurement Parts Unit, Mail Equipment Shops, 2135 Fifth Street NE., Washington 25, D.C., together with a memorandum requesting their disposal. No facilities are available at the Shops for the repair of these die hubs.

(2) When the special cancellation die hub must be replaced, the postmaster will immediately notify the local sponsor so that the sponsor may, if he desires, make application for a replacement through the local postmaster.

§ 36.4 Revocation.

Authorization to use any special cancellation die hub may be curtailed or revoked when necessary to use special postmarking dies for Government purposes.

§ 36.5 Mail submitted for special cancellations.

(a) *Postage.* Mailers requesting that their mail be canceled with a special cancellation must affix first-class postage to the mail. Stamps issued by foreign countries must not be placed on the mail.

(b) *Holding the mail.* Postmasters will not hold mail to comply with requests of patrons that the mail be postmarked with the special cancellation on a particular date.

PART 37—PREPAYMENT AND REFUNDS

Sec.
37.1 Postage payment.
37.2 Refunds.

AUTHORITY: §§ 37.1 and 37.2 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4051, 4052, 4055, 4101–4105, 4106, 4109, 4110, 6006.

§ 37.1 Postage payment.

(a) *Prepayment required.* Postage on all mail must be fully prepaid at the time of mailing, with the following exceptions:

(1) Business reply mail, see § 21.2 (c) of this chapter.

(2) Federal Government and free mail, see Part 27 of this chapter.

(3) Certain mail for the blind, see Part 28 of this chapter.

(4) Mail sent by members of the Armed Forces, see § 21.5 of this chapter.

(5) Letters and printed matter carried or delivered by vessels not regularly employed in carrying mail, see § 21.6 of this chapter.

(6) Keys and identification devices returned to owners, see § 24.1(d) of this chapter.

(b) *Insufficient prepayment.* (1) Mail of any class, including that for which special service is indicated, is received at either the office of mailing or the office of address without any postage or without sufficient postage will be:

(i) Marked to show the total deficiency of postage and fees.

(ii) Dispatched promptly to the addressee by means of the regular or special service indicated.

(iii) Delivered to addressee on payment of the charges marked on the mail. As an exception, when quantity mailings of ten or more pieces are received at the office of mailing without any postage or without sufficient postage, the mailer will be notified, without charge, preferably by telephone, in order that the postage charges may be adjusted before the mail is dispatched.

(2) When the addressee refuses to pay the deficient postage, and when the mail is undeliverable for any other reason, it shall be handled as follows:

(i) First-class mail, including airmail, bearing a return address shall be returned to the sender and delivered on payment by him of the deficient postage.

(ii) Mail other than first class bearing a return address will be returned to the sender and delivered on payment by him of the total of the deficient postage, the forwarding postage, if any and the return postage.

(iii) All mail that does not bear a return address will be disposed of in accordance with § 48.6 of this chapter.

(c) *Postage on mail insufficiently prepaid.* Postage stamps stuck to mail are canceled when the mail is first received in the post office. Postage stamps or meter stamps originally affixed to insufficiently prepaid mail will, when it is again presented for mailing, be accepted in payment of postage to the amount of their face value.

§ 37.2 Refunds.

(a) *Conditions that justify refund.* (1) When postage or special service fees have been paid on mail for which no service is rendered, or collected in excess of the lawful rate, a refund may be made.

(2) The Postal Service is considered to be at fault and "no service is rendered" in cases involving returned articles improperly accepted in both domestic and international services because of excess size or weight.

(3) Mailers who customarily weigh and rate their mail are expected to be familiar with basic requirements and the Postal Service is not considered to be at fault when these mailers are required to withdraw articles from the mail prior to dispatch.

(4) See paragraphs (c) (2) and (f) of this section for special provisions for refunding the postage value of unused meter stamps.

(b) *Application.* Submit an application on Form 3533 (Application and Voucher for Refund of Postage and Fees), in duplicate, to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired.

(c) *Amount of refund allowable.* (1) Refund of 100 percent will be made:

(i) When the Postal Service is at fault.

(ii) For the excess when postage or fees have been overpaid the lawful rate.

(iii) When service to the country of destination has been suspended.

(iv) When postage is fire-scarred while in the custody of the Postal Service, including fire in letter box, and the mail is returned to sender without service.

(v) When special-delivery stamps are erroneously used in payment of postage, and the mail is returned to the sender without service.

(vi) When fees are paid for special delivery, special handling and certified mail, and the article fails to receive the special service for which the fee has been paid.

(vii) When surcharges are erroneously collected on domestic registered mail or collected in excess of the proper amount, or represented by stamps affixed to matter not actually accepted for registration.

(viii) For fees paid for return receipts or for restricted delivery when the failure to furnish return receipt or its equivalent, or erroneous delivery, or nondelivery, is due to fault or negligence of Postal Service.

(ix) For annual bulk mailing fee when no bulk mailings of third-class matter are made during the year for which the annual fee has been paid.

(x) When customs clearance and delivery fees are erroneously collected.

(xi) When fees are paid for registry or insurance service on mail addressed to a country to which such services are

not available, unless claim for indemnity is made.

(2) Refund of 90 percent shall be made when complete and legible unused meter stamps are submitted within 1 year from the dates appearing in the stamps. (See 37.2(f) of this chapter).

(3) When mail is returned at the request of the sender or for a reason not the fault of the Postal Service, any difference between the amount paid and the appropriate domestic air or surface rate chargeable from mailing office to interception point and return will be refunded.

(4) On articles prepaid at airmail rates but actually transported by surface means, the difference between the postage computed at the airmail and surface rates is refundable. The fact that surface transportation was used must be confirmed.

(5) One-half of an original second-class application fee will be refunded if the application is not approved. See § 22.3 (e) of this chapter.

(d) *Unallowable refunds.* No refund will be made:

(1) For an application fee to use permit imprints.

(2) For registered, insured, and COD fees after the mail has been accepted by the post office even though it is later withdrawn from the mailing post office.

(e) *Meters.* The postage value of unused units set in a meter surrendered to the post office to be checked out of service may be refunded or, if desired, an equivalent amount will be transferred to another meter used by the same license holder. If the meter is withdrawn from service because of faulty mechanical operation, a final postage adjustment or refund may be withheld pending report of the meter manufacturer of the cause of faulty operation. If the meter is damaged by fire, a refund or transfer of postage will be made only if the registers are legible, or can be reconstructed by the meter manufacturer.

(f) *Meter stamps*—(1) *What to submit.* (i) Unused meter stamps that are complete and legible accompanied by an application, in duplicate, on Form 3533 within 1 year from dates appearing in the stamps, will be considered for refund. Arrange the stamps so that all of one denomination are together.

(ii) If portion of stamp is printed on one envelope or card and remaining portion on another, fasten the two together to show that the two portions represent one stamp.

(iii) Meter stamps printed on labels or tapes which have not been stuck to wrappers or envelopes must be submitted loose.

(iv) Refunds are allowable for stamps on metered reply envelopes only when it is obvious that an incorrect amount of postage was printed thereon.

(v) Submit separately with statement of facts, envelopes or address portions of wrappers on mail returned to sender from the mailing office marked "No such post office in State named," "Returned for better address," or "Received without contents," indicating no effort to deliver was made.

(2) *What not to submit.* Do not submit:

(i) Meter reply envelopes or cards paid at the proper rate of postage.

(ii) Meter stamps printed on labels or tape which have been removed from wrappers or envelopes.

(iii) Meter stamps without the name of the post office and State.

(iv) Meter stamps without the date printed on tape. (See § 33.4 (f) of this chapter.)

(v) Meter stamps printed on mail which was dispatched from the mailing post office in regular course and returned to sender as undeliverable, including nixies marked "No such post office in State named."

(vi) Meter stamps on mail addressed for local delivery and returned to sender after directory service was given or effort was made to deliver.

SUBCHAPTER E—COLLECTION AND DELIVERY

PART 41—SERVICE IN POST OFFICES

Sec.

41.1 Establishment of post offices.
41.2 Hours of business.
41.3 Post office boxes.
41.4 General delivery.
41.5 Unauthorized use of premises.

AUTHORITY: §§ 41.1 to 41.5 issued under R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 309, 501, 701, 705, 707, 708, 2209, 6001, 6009.

§ 41.1 Establishment of post offices.

(a) *Where established.* Post offices, and branches and stations, are established and maintained at such places as may be deemed necessary for the convenience of the postal patrons.

(b) *Requirements.* There is no fixed minimum population requirement. This factor is given consideration in making a determination. Other factors are the proximity of existing postal units and the relative cost involved, including the transportation of mail to a newly established unit.

(c) *Procedure.* Patrons desiring a post office in their community should communicate with the Department. The forms needed on which to supply necessary information will be sent to the patrons. Requests for the establishment of a branch or station of an existing post office should be made to the local postmaster.

§ 41.2 Hours of business.

(a) *Business days.* Post offices maintain window service for the delivery of mail and the sale of stamps every business day during the hours when the principal business houses of the community are open. Registry service and money order service are provided during the hours the postmaster determines are in accordance with the needs of the community. Post offices designated as postal-savings depositories provide for the receipt and withdrawal of deposits every weekday during the hours prescribed for the transaction of money-order business.

(b) *Night service.* Post offices are not ordinarily open for business at night. Lobbies of some post offices are open at night to permit the public to deposit mail and to obtain mail from lock boxes.

(c) *Holiday service.* Post offices are kept open on holidays for such time as may be necessary to meet the reasonable postal requirements of the public. Special-delivery mail is delivered on holidays, but delivery service is not given on letter carrier or rural routes. The following holidays are observed:

(1) New Year's Day, January 1.

(2) Washington's Birthday, February 22.

(3) Memorial Day, May 30.

(4) Independence Day, July 4.

(5) Labor Day, first Monday in September.

(6) Veterans' Day, November 11.

(7) Thanksgiving Day, fourth Thursday in November.

(8) Christmas, December 25.

(9) Other days set aside by the President as holidays.

§ 41.3 Post office boxes.

(a) *Purpose of boxes.* Post office boxes and drawers are for the convenience of the public in the delivery of mail. The service affords patrons privacy, and permits them to obtain mail at their convenience during the hours the lobby is kept open.

(b) *How to rent a box.* The patron must submit Form 1093, Application for Post Office Box, to the postmaster at the post office where the box is located. The application will be approved or denied by the postmaster. Furnishing false information on the application is sufficient reason for denial. When the application is approved, a box will be assigned.

(c) *Rental rates*—(1) *Main post offices*—(i) *Office groups.* The following nine groups are for use in determining the correct rate category for call and lock boxes at main post offices.

Group A. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 16, 17, 18, or 19.

Group B. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 14 or 15.

Group C. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 12 or 13.

Group D. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 10 or 11.

Group E. Post offices offering city delivery service and with the position of the postmaster ranked in salary levels 7, 8, or 9.

Group F. Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 8, 9, or above.

Group G. Post offices not offering city delivery service and with the position of the postmaster ranked in salary level 7.

Group H. Post offices not offering city delivery service and with the position of the postmaster ranked in salary levels 5 or 6.

Group I. All fourth-class post offices.

(ii) *Schedule.* The quarterly box rent schedule for main post offices is as follows:

Post Office groups	Rate per quarter						
	Call boxes		Lock boxes and drawers				
	Size No.		Size No.				
	1	2	1	2	3	4	5
	Cubic-inch capacity		Cubic-inch capacity				
	To 225	225 to 500	To 225	225 to	500 to	900 to	3,000 and over
Offices with city carrier service:							
Group A	$2.25	$3.00	$4.50	$6.00	$8.00	$10.00	$12.00
Group B	1.50	2.25	3.00	4.50	6.00	7.50	9.00
Group C	1.10	1.50	2.25	3.00	4.50	6.00	7.50
Group D	.80	1.10	1.70	2.25	3.00	4.50	6.00
Group E	.65	.80	1.20	1.50	2.25	3.00	4.50
Offices without city carrier service:							
Group F	.50	.65	.90	1.10	1.50	2.25	3.00
Group G	.35	.50	.70	.90	1.10	1.50	2.25
Group H	.20	.30	.50	.65	.90	1.10	1.50
Group I	.15	.20	.35	.50	.65	.90	1.10

(2) *Rates at stations, branches, annexes, and airport mail facilities*—(i) *Stations, branches, annexes, and airport mail facilities of first-class offices.* (*a*) With the exception of rural stations or stations and branches primarily servicing academic institutions (see subdivision (iii) of this subparagraph), box rent rates at stations, branches, annexes, and airport mail facilities affiliated with first-class post offices, regardless of gross annual postal receipts, shall be based on the following:

(*1*) At classified stations, branches, and airport mail facilities, with or without city carrier service and with the position of the superintendent ranked in salary levels 9 or above, the rates are those prescribed in the box rent schedule for the first group below that of the main office.

(2) At classified stations, branches, and airport mail facilities with or without city carrier service and with the position of the superintendent ranked in salary levels 8 or below, the rates are those prescribed in the box rent schedule for the second group below that of the main office.

(3) At designated classified stations and branches located very near the main office and at annexes, the rates shall be the same as those charged at the main office.

(*4*) All contract stations will charge those rates prescribed in the box rent schedule for the second group below that of the main office.

(*b*) All rural stations shall charge the fees prescribed in the box rent schedule for group I post offices.

(*c*) Stations and branches with box equipment owned or supplied by an academic institution shall establish box rental charges in accordance with subdivision (iii) of this subparagraph. Stations and branches primarily serving academic institutions with lockbox equipment not owned or supplied by an academic institution shall charge regular applicable box rental rates.

(ii) *Stations and branches of second- and third-class offices.* (*a*) With the exception of rural stations or certain stations and branches primarily servicing academic institutions, stations and branches of second- and third-class post offices will charge the same rental fees as those charged at the main office.

(*b*) All rural stations will charge the fees prescribed in the box rent schedule for group I post offices.

(*c*) Stations and branches with box equipment owned or supplied by an academic institution will establish box rental charges in accordance with subdivision (iii) of this subparagraph. Stations and branches primarily servicing academic institutions with lockbox equipment not owned or supplied by the academic institution will charge regular applicable box rental rates.

(iii) *Stations and branches servicing academic institutions.* The following applies only to stations and branches primarily servicing academic institutions when the box equipment is owned or supplied by the academic institution:

(*a*) When box equipment is separated from designated post office quarters and the mail is placed in the boxes by personnel employed by the school, box rental fees, if any, are subject to the control of the academic institution, and the revenues therefrom, if any, are not considered postal funds.

(*b*) When box equipment is not separated from designated post office quarters or the mail is not placed in the boxes by personnel employed by the academic institution, call and lockbox charges are based on the following schedule and all revenues therefrom are considered as postal funds. Fees may be paid on an annual basis or on either a semester or quarterly basis to coincide with the system used by the school. Box rental fees applicable during the summer session of schools operating on a semester basis will be one-half the regular semester rates.

	Call boxes		Lockboxes				
	No. 1	No 2	No. 1	No. 2	No. 3	No. 4	No. 5
Per semester	$0.30	$0.40	$0.50	$0.60	$0.90	$1.50	$2.40
Per quarter	.20	.30	.35	.40	.60	1.00	1.60

(3) *When new rates are effective*—(i) *Adjustments.* Box rental rate adjustments shall be made on July 1, the beginning of each fiscal year when either of the following actions occur:

Type of action	Date of action	Change box rental rates effective—
1. Establishment or discontinuance of city delivery service.	If change occurred on or after July 1, and on or before June 30, of the present fiscal year.	July 1, the beginning of the new fiscal year.
2. Change in salary level of postmaster or of station, branch, annex, or airport mail facility superintendent.	If change occurred after the first day of the first pay period in the present fiscal year and on or before the first day of the first pay period in the new fiscal year. NOTE: this is based on adjusted gross receipts.	Do.

(ii) *New units.* Box rental rates at all new units placed in operation after July 1, will be based on those factors in effect on the opening date of the installation, except that when a post office is discontinued and is reestablished as a classified station or branch of another post office, the rental rates that were in effect at the discontinued post office at the beginning of the fiscal year will continue in effect during the remainder of the fiscal year at the newly established unit.

(4) *Fees applicable under special circumstances.* When larger size boxes are not available or cannot be provided to handle the average daily mail volume of a patron, arrangements may be made to utilize bags or other containers instead of lockboxes. The fee for this service will be equivalent to the rental that would be collected if the patron had been provided with the largest size box in the installation.

(d) *Payment of box rent.* Box rent must be paid in advance. Form 1538, "Box Rent Receipt," is given for each payment. The rent may be paid quarterly or annually at the option of the box holder as follows:

(1) *Annually.* Annual rent must be paid in advance on or before June 30 for the full fiscal year. Rent for the quarters remaining in the fiscal year must be paid in advance (see subparagraph (3) of this paragraph). The fiscal year begins July 1 and ends June 30.

(2) *Quarterly.* Quarters begin July 1, October 1, January 1, and April 1. Rent must be paid on or before June 30, September 30, December 31, and March 31.

(3) *After beginning of quarter.* (i) First month of quarter: Entire quarterly rate.

(ii) Second month of quarter: Two-thirds of quarterly rate. To determine the amount to be paid, multiply quarterly rate by two and divide by three. Drop fractions of a cent.

(iii) Third month of quarter: If rented before the twenty-first day, one-third quarterly rate. On or after the twenty-first day, no rent will be charged for the remaining days in the quarter, but full payment must be made for the following quarter.

(e) *Refund of box rent.* When a box is surrendered, no portion of the rent will be refunded to a patron who has paid on a quarterly basis. A patron renting a box on an annual basis who surrenders the box before the end of the fiscal year for which rent has been paid may apply for a refund of that portion of the box rent that is applicable to all full quarters remaining in the fiscal year. No refund will be made for the remaining portion of the quarter in which the box is surrendered. Application for refund should be made on Form 3533, "Application and Voucher for Refund of Postage and Fees," in duplicate in the same manner as postage refunds, as outlined in § 37.2 of this chapter.

(f) *Use of box*—(1) *Individuals.* An individual renting a box may have placed in it:

(i) Mail addressed to himself.

(ii) Mail directed to a temporary visitor.

(iii) Mail addressed to his care or to the number of his box by persons who wish him to take care of it for them not more than 30 days.

(iv) Mail addressed to members of his family.

(v) Mail addressed to his servants or other employees who live in his house.

(vi) Mail addressed to a relative or other person who lives permanently in his house as do the other members of his family. Boarders or roomers are not considered members of the family.

(2) *Firms or corporations.* A firm renting a box may have placed in it:

(i) Mail addressed to its name.

(ii) Mail addressed to any of its officials and office employees.

(iii) Mail addressed to any member of a firm, or members of his family, by the consent of all members of the firm.

(3) *Students and teachers.* Mail addressed to students and teachers at an educational institution may be deposited in the box rented by the school, if consistent with the rules of the school.

(4) *Public institutions.* Mail addressed to inmates of a public institution may be deposited in the box rented by it, if consistent with its rules.

(5) *Associations.* An association or society may rent a box, but it may not be used for individual members, other than officers addressed by their official titles.

(6) *Hotel or boarding house.* Mail addressed to guests or transient boarders at a hotel or boarding house will be placed in the box assigned to it or its proprietor.

(7) *Mail addressed to box number.* Mail addressed only to a box number may be delivered to the box holder as long as no improper or unlawful business is conducted in this manner.

(g) *Keys*—(1) *Regular.* A patron renting a key-type lockbox must be supplied with one or two keys, according to his needs. Renters of lockboxes are not permitted to obtain or use any keys except those issued through the post office.

(2) *Additional.* Keys in excess of two may be obtained from the post office on completion of Form 1094, Application for Additional Keys to Post Office Box, and payment of a 50-cent fee for each key. Under no circumstances may the boxholder or his agent obtain additional keys for the box assigned to his use from any other source or supplier.

(3) *Duplicate.* Duplicates of lost keys may be secured by payment of a 50-cent fee for each key.

(4) *Fees not refundable.* Fees for duplicate and additional keys are not refundable.

(5) *Worn and broken.* Worn or broken keys shall be replaced without charge if the damaged key is surrendered.

(6) *Return.* All keys must be returned when the box is surrendered. If the patron has lost a regular key, he must pay a fee of 50 cents for each missing key.

(h) *Restrictions*—(1) *Improper purposes.* A box will not be rented to anyone who the postmaster has good reason to believe will use it for the purpose of deception, for immoral or improper purposes, or for the conduct of a fraudulent or lottery business.

(2) *Misuse.* A box will not be rented to anyone who does not take proper care of it or who disregards the rules concerning its use.

(3) *Improper matter in box.* Only matter which has passed through the mail, or official postal notices, may be placed in a post office box. (See paragraph (a) of this section.) (Interprets or applies 62 Stat. 784; 18 U.S.C. 1725)

(4) *Closing of box.* When a postmaster has reason to believe that a box is being used for a fraudulent, deceptive, or unlawful scheme, or for an immoral or improper purpose, or for the purposes of a lottery, or that the safety of the mail is endangered by its continued use, or that its use is for other than the receipt of mail or official postal notices, he will report the facts to the General Counsel who, if he finds that the box is being used for any of said purposes, shall have the right to order the box closed. Such reports shall be addressed to the Mailability Division, Office of the General Counsel.

§ 41.4 General delivery.

(a) *Use.* General-delivery service is designed primarily for the use of patrons at offices not having carrier-delivery service. Mail bearing as a part of its address the indorsement, "Transient," "To Be Called For," "General Delivery," or other words indicating that it is intended for a transient person, will be placed in the general-delivery case to be delivered to the addressee on his application and proper identification.

(b) *Where carrier deliveries are provided.* General-delivery service is provided at offices having carrier-delivery service for transients and patrons who are not permanently located. Persons intending to remain for 30 days or more in a city having carrier service should file their names and street addresses at the post office so that their mail may be delivered by carrier unless lock-box service is desired. Persons living in cities having carrier delivery service may for good and sufficient reasons satisfactory to the postmaster receive their mail at general-delivery windows. Application for this privilege is made on Form 1527 "Application for the Use of the General Delivery", available at the post office.

§ 41.5 Unauthorized use of premises.

Advertisements, circulars, or notices relating to any private business or having a political character shall not be placed on any portion of post office premises, except that official election notices issued by State or local governments may be displayed.

PART 42—WHO MAY CARRY LETTERS

Sec.
42.1 Postal service a monopoly.
42.2 What are letters.
42.3 Permissible carriage of letters.

AUTHORITY: §§ 42.1 to 42.3 issued under R.S. 161, as amended, sec. 1, 62 Stat. 776, 777; 5 U.S.C. 22, 18 U.S.C. 1694–1696, 39 U.S.C. 501, 901–906, 4056.

§ 42.1 Postal service a monopoly.

The Post Office Department has a monopoly over the transportation of letters for others over post routes. This monopoly was created prior to the adoption of the Constitution and has existed, with varying provisions, continuously from that time to the present. This part defines the types of matters which constitute letters and hence which are subject to the monopoly. It sets forth the types of transportation covered under the monopoly. It also prescribes exceptions to the monopoly.

§ 42.2 What are letters.

(a) *Definition of letters.* (1) A letter is generally defined as a message in writing and may be written in any language, or in a code. It need not be in handwriting but may be written by a system of checking from a list of printed statements or punching holes or by point print or in raised characters used by the blind.

(2) For purposes of the exercise of the postal monopoly, the term letters may include circulars, as the term circular is defined to be a printed letter which is being sent to several persons in identical terms.

(3) A writing is not a letter unless addressed to or intended for some particular person or concern.

(4) In addition to communications of a purely personal nature, the word letter includes any matter conveying live, current information between the sender and the addressee. If the sender expects or intends the addressee to act, rely or refrain from acting on the information, the information is live and current.

(5) A letter may be in a sealed envelope, in an unsealed envelope or not in an envelope.

(6) Factors of weight and size do not exempt letters from being subject to the postal monopoly.

(7) A telegraphic message is not a letter.

(b) *Rulings on letters.* The examples set forth in this part do not comprise every type of matter which would fall either within or without the scope of letters covered by the postal monopoly. The sender or carrier of matter who has any doubt as to whether such matter is or is not a letter may obtain, upon request, a specific ruling from the General Counsel of the Post Office Department.

(c) *Examples of letters*—(1) *Orders.* Orders for merchandise to be filled by the recipient are letters. Orders are also letters when forwarded by a salesman or a store to the main office to be filled. Orders include requisitions from one department of a business house on another department, when carried over post routes.

(2) *Bills and statements of account.* Bills and statements of account are letters when sent by business concerns or persons selling goods or rendering service to their customers. This includes store accounts, premium notices, water bills, bank statements and receipts and receipted statements of account when sent from a creditor to the debtor.

(3) *Reports.* Reports are letters when sent from the person, office or firm making the report to the person, office, firm or governmental agency to whom the report is made. Examples are:

Income or other tax returns.
Proofs of loss filed by an insured under an insurance policy.
Monthly and weekly reports of business transactions made to a central office.
Reports of insurance agents to their companies' home offices.

(4) *Applications.* An application transmitted from the applicant to the person or governmental agency to whom it is made is generally a letter. Examples are:

Application for driver licenses and automobile licenses and other permits.
Applications for loans.
Contest entries.

(5) *Interoffice communications.* Any written or printed matter sent between offices of a concern, over post routes, which gives to the addressee office live, current information on which the latter is expected to act, rely or refrain from acting, constitutes a letter. The following are examples of such letters:

Requisitions which are orders from one department to another department within the same organization.
All types of matter sent from a branch store to the main office to supply information on which charges and credits to the branch store or office are made or to verify the accuracy of items in the accounts between the main office and branch office or store.
Retail price lists, catalogs bulletins and notices sent to advise a store or branch office of the price the latter should charge its customers or to advise the latter of discounts, market quotations, and the like.

(d) *Examples of matter not letters.* Following are examples of matter not classed as letters:

(1) *Commercial papers.* Commercial papers are not classed as letters since they are valued as evidence of rights of the holder rather than for any information they may carry when shipped from one person to another. Such commercial papers include contracts, stock certificates, promissory notes, bonds and other negotiable securities, insurance policies, title policies, abstracts of title, mortgages, deeds, leases and articles of incorporation.

(2) *Legal papers and documents.* Legal papers and documents are not letters. This class of matter is intended for use in law suits or formal quasijudicial proceedings, orders of court and the like.

(3) *Official records.* Examples of official records which are not letters are: birth and death certificates, election ballots, and tally sheets, lists of registration of voters and certificates to practice certain professions.

(4) *Drawings, etc.* A picture or other visual representation of a physical thing, actual or projected, would not be a letter. Examples are drawings, blueprints, maps and plat surveys.

(5) *Advertising and directory materials.* Catalogs are not letters except as stated in paragraph (c) (5) of this section. Directories and unaddressed advertising handbills or circulars are not letters.

(6) *Interoffice communications.* Examples of interoffice communications which are not letters are:

Carbon copy of a letter previously sent to the same address if it contains no information not in the original.
Matters sent for filing and storage only and not intended for the recipient's own use.
Matters sent for auditing to determine whether charges and credits are correct, when the results of the audit are not used to adjust accounts within the organization.
Data sent to a central office for preparation of customers bills if the data is returned to the sender and no part of the information is retained by the central office.

(7) *Checks and drafts.* Bank checks in their ordinary form containing only the names of the drawer, payee, bank upon which drawn, amount of money, and date of issue are not letters. Checks, notes, and drafts sent by banks to other banks for collection of payment are not letters. Canceled checks and drafts may be returned to the drawer without being classed as letters. Checks issued by creameries to farmer-producers frequently bear on their face, or are accompanied by, statements showing the basis for computation of the amount of the check, e. g., the weight, butterfat content, bacterial count, deductions for hauling, and the like. So long as none of the information is extraneous to the check itself, these statements may accompany, or appear on, a check being transmitted by a contract hauler or otherwise outside the mail without either the check or statement being subject to payment of postage. See § 42.3 (c).

(8) *Matters sent for auditing or preparation of bills.* Freight bills, invoices, paid bills, sales slips, receipts, records of receipts and disbursements and the like which are forwarded for the sole purpose of having them audited internally on behalf of the sender are not letters. Such matter becomes letters when the person or office which receives them takes any corrective action or adjusts accounts between the sender and addressee, or otherwise makes use either of the material forwarded or the results of the audit. This same rule applies to material sent to a central office for the sole purpose of preparing customers statements, unless other use is made or action taken by that central office. The subsequent mailing of the bills to the customers by the central office would not cause the working matter sent to that office to be considered letters. Similarly, matter forwarded for the performance of purely mechanical work such as photostating or mathematical computation would not constitute letters.

(9) *Old correspondence and other matters sent for filing, storage, or destruction.* Old correspondence, records and any other type of matter sent from one office to another for filing, storage or destruction are not letters since there is no purpose of communicating any intelligence to the addressee. The matter so sent will be considered as a letter if it is sent for the purpose of establishing a file from which the addressee may at some time take information on which he will then act, rely or refrain from acting.

(10) *Examination papers.* Examination papers forwarded for scoring to a central scoring agency are not regarded as letters provided the scoring agency does not make use of the scores or other information derived from the papers. Examination papers with scores marked on them would normally be considered letters when returned to the school or person who previously sent them for scoring or when forwarded to a third person who may be expected to take action based on the results of the examination. Any later use of the examination papers, after the scoring by the central agency, places them in the category of letters.

(11) *Manuscript and news items.* Manuscript intended for publication when not accompanied by any matter in the nature of personal correspondence is not a letter. Mere news matter prepared by press correspondents for the columns of their publications are not letters. News matter to be used for the purpose of radio broadcasting is not a letter.

§ 42.3 Permissible carriage of letters.

(a) *Exemptions from postal monopoly.* Under certain conditions, letters may be carried outside the postal system without payment of U. S. postage.

(b) *Current business of carrier.* (1) Letters which relate to the current business of a carrier do not come under the postal monopoly. These are letters written by or addressed to officers or employ-

ees of the carrier, in their official capacities, on the business of the carrier.

(2) Any business of the carrier is deemed to be its current business when it comes up in such a way as to call for a current communication.

(3) This exemption applies only where the employees of the carrier are used to carry their employers letters between offices but the use of an independent contractor who makes regular trips between any two points on a post route is not permissible.

(4) The different units of a railroad system or other system of carriers, as long as they are separate, independent operating units are, third parties to each other and consequently are not considered a single carrier for the purpose of this exemption.

(c) *Cargo documents.* (1) A carrier may transport letters which relate exclusively to some part of the cargo of the same conveyance or to some article carried at the same time by the same conveyance. This exemption permits a carrier to convey, without the payment of postage, letters such as invoices, bills of lading, shippers bills, waybills, freight bills, and the like, when they accompany shipments to which they exclusively relate.

(2) Receipts evidencing delivery of goods by a carrier are not letters.

(3) Live, current information in a letter, extraneous to the shipment it accompanies, takes it out of the exemption for letters which relate to some article carried at the same time.

(d) *Carriage without compensation.* Letters may be transmitted by private hands without compensation. A person or firm engaged in the transportation of goods or persons for hire cannot be considered "private hands without compensation." The phrase just quoted denotes transportation of a letter which does not take place in the course of business of the person or firm carrying the letter.

(e) *Special messengers.* (1) A special messenger may be employed, for the particular occasion only, to transmit letters when not more than 25 letters are involved. A special messenger is one who at the request of either the sender or the addressee of the letter, picks it up from the sender's home or place of business and carries it to the addressee's home or place of business.

(2) If, however, letters are picked up by one messenger and taken to a central office for delivery by another, neither the messenger picking up the letter nor the messenger delivering it to the addressee could then be considered a special messenger.

(3) This exemption as to the use of special messengers is restricted to isolated instances in which there is no regularity in use by the sender or addressee of the particular messenger or the organization by which he is employed.

(4) A messenger or a carrier operating regularly between fixed points is not a special messenger.

(f) *Where postage is paid.* (1) Letters may be carried by an individual, express company, or any other person outside the mail to any point within or without the United States provided the conditions specified in this part are followed.

(2) Each letter carried outside the mails must be placed in a sealed envelope bearing the appropriate amount of postage. The amount of postage required must be the same as would have been required had the letter been sent through the mail at the first-class rate or by air if so carried. The amount of postage need not include registry or insurance fees even if the letter is privately insured. If postage is in the form of stamps, they must be canceled with ink by the sender. The sender must write the date of the letter on the envelope, or the person carrying it must write on the envelope the date he received the letter. The name and address of the person for whom the letter is intended must be written on the envelope.

(3) Letters which the sender is entitled to send through the mails without a charge for postage may be sent in a similar manner outside the mails without the payment of postage. This would apply in the case of certain official Government mail and mail of certain diplomatic and consular officers of other nations. If the free mailing privilege does not extend to airmail then such letters must bear the appropriate air mail postage, if sent by air express.

(4) It is permissible to establish a service for collecting for the addressees letters received at the post office, provided the letters remain unopened. Letters received through the mails at one office of a firm may be forwarded by surface means outside the mails without payment of additional postage so long as they remain unopened. This applies likewise to letters addressed to one firm in care of another to which they are to be forwarded. If any such letters are forwarded by air express or air freight, sufficient additional postage must be placed on each piece of mail to bring the total postage on that piece up to the air mail rate. Moreover, if the letters are opened before they are forwarded, the forwarding of the open letters would be considered a new shipment of the matter. Such forwarding will then be regarded as the transmission of letters upon which additional postage will be due, if they are intended to convey to the ultimate addressee live, current information upon which he may act, rely or refrain from acting.

PART 43—MAIL DEPOSIT AND COLLECTION

Sec.

43.1 Collection times.
43.2 Ordinary deposit of mail.
43.3 Deposit of mail with postal clerks.
43.4 Separation of mail by sender.
43.5 Recall of mail.
43.6 Mail chutes and receiving boxes.
43.7 Private mail receptacles.

AUTHORITY: §§ 43.1 to 43.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001–6003.

§ 43.1 Collection times.

Mail is collected in residential and business sections served by city carriers at times to connect with mail dispatches. Mail is also collected in business sections at frequent intervals to keep boxes from becoming overloaded and to provide an even flow of mail to the post office. Patrons are urged to deposit mail as early in the day as possible. Early mailings advance delivery time.

§ 43.2 Ordinary deposit of mail.

(a) *Post office lobbies.* Letter drops are provided in lobbies of all post offices for the deposit of mail. Where warranted, post offices provide special slots or receptacles for the deposit of mail which has been separated by patrons according to local, out-of-town, air-mail, special delivery, or other appropriate designations.

(b) *Collection boxes.* Collection boxes for the deposit of mail are placed at convenient points in areas served by city carriers. At non-city delivery offices, collection boxes are located in front of the post office quarters. Schedules are posted on these boxes showing collection times.

(c) *Rural boxes.* Mail on which postage has been paid may be deposited for collection in mail boxes on rural routes.

§ 43.3 Deposit of mail with postal clerks.

(a) *Acceptable mail.* The following types of mail may be handed for dispatch to postal clerks on duty in mail cars or transfer offices, and at airport mail facilities:

(1) *First-class mail.* On which postage has been paid.

(2) *Medicines and serums.* Third- or fourth-class mail, presented by representatives of manufacturers or distributors of medicines or serums, when endorsed: "Emergency—This package has been weighed and bears necessary postage. Any additional postage found to be due is guaranteed by sender."

(b) *Restrictions.* Third-, and fourth-class mail, other than that described in paragraph (a) of this section, and mail to be sent registered, insured, or COD, is not mailable with postal clerks at mail cars, transfer offices, or airport mail facilities.

§ 43.4 Separation of mail by sender.

Patrons having large mailings should separate them into packages marked "Local" and "Out of Town". Labels with these designations may be obtained from the post office. Mail thus separated is usually dispatched earlier.

§ 43.5 Recall of mail.

(a) *Who may recall mail.* Mail deposited in a post office may be recalled by the sender, by the parent or guardian of a minor child, or by the guardian of a person of unsound mind.

(b) *Application.* Submit Form 1509 "Sender's Application for Withdrawal of Mail" which is obtainable at any post office, to the postmaster at the office of mailing.

(c) *Expenses.* The mailer must pay all expenses of recalling mail, including the cost of any necessary telegrams, and the regular rate of return postage (except for first-class mail, which is returned with additional postage), when the mail is returned.

(d) *Notification.* If the mail has been delivered before receipt of the re-

call application or message, the mailer will be notified. The addressee will not be informed that recall was requested.

(e) *Original postage.* If mail recalled before dispatch is again presented for mailing, the original stamps will be accepted for postage at face value. This does not apply to stamps in payment of registry, insurance, or COD fees.

§ 43.6 Mail chutes and receiving boxes.

(a) *Use.* (1) Mailing chutes and receiving boxes may be placed at the expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

(2) Mailing chutes and receiving boxes are intended for the reception or deposit of mail matter of the first class and must not be used for the deposit of mail of any other class.

(b) *Approval of installation.* (1) Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and specifications for any proposed chute and box. The postmaster has authority to approve, upon formal application, the installation of mailing chutes and receiving boxes conforming to these regulations. Collection will not be made from any chute box until approved by the postmaster, and no unapproved chute shall bear any sign indicating that it is under the protection of the United States Postal Service.

(2) The specifications must provide for a complete installation ready for collection service, with a tentative plan of the building showing the contemplated location of the whole of such chute and of the receiving box.

(3) If the postmaster approves the contract and specification, he will endorse his approval upon the contract and return it to the applicant. In questionable cases he will refer the file with full details to the Regional Director for review.

(c) *Specifications for construction of chutes*—(1) *Size.* The chute must be approximately 2 by 8 inches in size and must extend in a continuously vertical line from the point of beginning to the receiving box.

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of heavy sheet or plate glass not less than three-sixteenths of an inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

(ii) Chutes must be securely mounted on steel angles, or other material approved by the Regional Director. The mounting must be plumb and flush the entire length of the chute. The chute must be so constructed that floor sections can be easily removed from floor thimbles.

(3) *Mail slots.* (i) The chute must be provided with openings (mail slots) on each floor for deposit of mail. Each opening must be 4¾ by ½ inches, with a second inside opening of the same size 2½ inches below the first, with serrate edges or other suitable device designed to prevent clogging. The legend "U. S. Mail" must be plainly inscribed upon chutes at every mail opening.

(ii) At each slot opening, there must be attached a suitable dustproof glazed frame for printed cards, 4¾ by 9 inches, giving information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box, and calling attention to the penalties for tampering with mail equipment.

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked.

(5) *Location and arrangement.* (i) The chute must be so placed as to be conveniently accessible throughout the entire length. When more than 5 lineal feet of the mail chute will be concealed, removable panels must be provided in the concealing features to permit easy access to the chute for removal of blockades. The concealed equipment should be so manufactured and installed that it can be removed readily if necessary. In no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access without prior approval of the Regional Director.

(ii) Mail chutes installed in pairs must be so constructed and erected that any part of either chute may be removed, leaving the other for service.

(iii) The chute must be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish, and all portions of its interior must be easily reached. Where panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided.

(d) *Specifications for construction of receiving boxes*—(1) *Dimensions.* The cubic contents of receiving boxes will be determined by the postmaster. The bottom of the door of the box must not be less than 30 inches from the floor level of the building. The exterior of the bottom of the box must not be less than 20 inches from the floor level, and this space shall be entirely open and unobstructed and so arranged that the mail collector may place a satchel or other receptacle in convenient position under the bottom of the door when making collections.

(2) *Material.* Receiving boxes must be constructed of metal of sufficient weight and such character as to insure security and rigidity. Boxes must be provided with cushions, yielding bottoms, or deflecting devices which will effectively prevent damage to mail matter descending through the chute. If cushions are used, they shall be made of wool felt and covered with asbestos cloth. The bottom of the box must be provided with a suitable means of attaching and holding the carrier's satchel or other receptacle in position.

(3) *Door and floor.* Receiving boxes must be provided with doors opening to the right upon exposed side hinges secured with rivets. The door openings must be not less than 12 by 20 inches nor more than 18 by 30 inches. The floor of the interior of the box, or cushion if one is used, must be level with the threshold of the door. Four screw holes must be placed in the door, to fit letter box arrow locks furnished by the postmaster.

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed "Letters". Boxes must be distinctly marked "U. S. Mail Letter Box" and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size.

(5) *Location.* Every receiving box must be placed as near to a main entrance of the building as practicable. Receiving boxes must not be located more than 100 feet from a main entrance by the shortest line of travel. The location will be approved only when the postmaster, after careful examination of the tentative building plan, finds it impracticable because of structural conditions to place a receiving box closer to a main entrance. A receiving box may be placed on only the ground floor of a building.

(6) *Auxiliary box.* If the receiving box to be attached to the chute will not be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed in close to the mail chute boxes. The cubic contents of the auxiliary receiving box or boxes will be determined by the postmaster, and their construction must conform to the general specifications for the receiving boxes except deflecting devices are not required. The mail openings should be of sufficient size to permit the deposit of first-class mail tied in bundles and the mail opening or "pull-down" shall be inscribed "Letters" and "Letter Mail Tied in Bundles."

(7) *Metal compartments.* If, due to structural conditions, it is not practicable to install auxiliary boxes, a metal compartment comparable in size to a small P. O. sack rack should be provided. Although no specifications are stipulated for the construction of the metal compartment, it should be of sufficient height and length to permit the sus-

pension of the required number of sacks from hooks, the number of mail openings to correspond to the number of sacks. The compartment must be lettered or stenciled "U. S. Mail" in large letters and have on each section or at the mail opening the inscription "Letter Mail Tied in Bundles." The compartment must be constructed so as to permit the convenient hanging and withdrawing of the sacks.

(8) *Combination letter and bundle box.* If the receiving box to be attached to a chute will not be of sufficient size to accommodate the deposits of first-class mail, and it is not desired to install a separate auxiliary box, a combination letter and bundle letter box may be attached to the chute in lieu of the regular receiving box, constructed as follows:

(i) The box must be at least 60 inches high, 23 inches wide, and 17 inches deep, and shall have a pull-down inlet door with an opening 7 by 11½ inches inscribed "Letters and Letter Mail Tied in Bundles." The bottom edge of the door opening should be not more than 5 feet above the floor level. The mail opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.

(ii) At a height of 3 feet 4 inches from the bottom of the box there must be placed a ¾-inch pipe hanger (removable) along each side of the box from the front to the back, each equipped with two sliding hooks so that a No. 1 mail sack may be hung thereon.

(iii) The bottom of the door of the box should be flush or below the level of the bottom of the box and this door should be of such size and so constructed as to permit the convenient hanging and withdrawing of the sacks. There must be four screw holes in this door to fit the letter box arrow lock to be furnished by the postmaster.

(iv) Boxes shall be distinctly marked "U. S. Mail."

(e) *Maintenance of chutes and receiving boxes.* (1) Every mailing chute and receiving box must be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as may be directed by the postmaster must then be done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated. Form 1506, Mail Chute Inspection, should be completed at the time the chute is inspected and retained in the office of the postmaster.

(2) If the postmaster finds that any part of the chute or receiving box does not conform to these regulations, or has become defective, he must close the mail openings and discontinue collections, and shall not resume collections until the mailing chute and receiving box fully meet the requirements of these regulations. All repairs, changes, and alterations to mailing chutes and receiving boxes must be made by and at the expense of the owner or lessee of the building in which they are situated, under the supervision and subject to the approval of the postmaster.

(3) Any obstruction in a mailing chute must be at once reported to the postmaster, who must promptly make an inspection of the chute. If the obstruction resulted from misuse or abuse of the chute, he will notify the proprietor or lessee of the building in which it is located and may, in his discretion, close the mail openings and discontinue collections until satisfied that proper care will be taken in the future use of the chute and the receiving box. If collections are discontinued, the postmaster will attach to the chute, at the several mail openings, notices of discontinuance.

(f) *Custody and control of chutes and receiving boxes.* (1) Mailing chutes and receiving boxes are considered the property of the United States as long as collections of mail are made from them and shall remain under the exclusive custody and control of the postmaster until collections are discontinued by his direction.

(2) Every mail chute contract must contain an explicit waiver by the owner or owners of patents issued or to be issued on the chute and receiving box covered by the contract, and on any device or devices connected therewith, of all claims against the United States and its officers and agents for the use of such chute and box and such device or devices.

(3) The contract must contain a full warranty by the company or person proposing to erect the chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mail, the postmaster must assure himself that a blanket bond in such form and with such penalty as may be prescribed by the Postmaster General has been filed at the Department conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box. This bond must be in the amount of $10,000, though a larger sum may be required if considered advisable by the Post Office Department.

(4) With every mail chute contract submitted for approval there must be furnished evidence that a surety bond in the sum of $3,000 has been given to the purchaser guaranteeing the construction and installation of the mail chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser.

(5) When mailing chutes and receiving boxes are erected under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting the chutes and boxes, providing that if the lessors of the chutes and boxes shall request the return of the mailing apparatus, the postmaster will, after due notice to the proprietor or lessee, discontinue collections, remove the lock from the receiving box, and permit the removal of the mailing apparatus by the lessors.

(g) *Regulations to be part of contract.* The contents of this section must be printed on the back and become a part of every contract for the erection and use of mailing chutes and receiving boxes entered into between the manufacturers or owners of chutes and boxes and the proprietor or lessee of the building in which they are located. Postmasters may obtain copies of the contents of this section from their area supply centers for distribution to appropriate patrons.

(h) *Mailing chute and receiving box manufacturers.* (1) A firm interested in the manufacture of mailing chutes or mailing chute receiving boxes must first submit to the Regional Director, through the postmaster, specifications, drawings, and a full size working model of the chute and receiving box. The chute section should be at least five feet in length and must contain a mail slot. This section is to be attached to the receiving box. If the specifications, drawings, and model are found satisfactory, the Regional Director will request the firm to submit a $10,000 bond as specified in paragraph (f)(3) of this section. After the bond is examined and approved, he will authorize installation of not more than three mailing chutes and receiving boxes for a 90-day actual service condition test. If no unsatisfactory condition is disclosed during the test period, the Regional Director will give the concern final approval for the manufacture of this equipment. The company's name and address will then be added to the list of authorized manufacturers of mailing chutes and receiving boxes.

(2) Manufacturers of approved receiving boxes and mailing chutes are: Capitol Mail Chute Corp., 55 Cozine Avenue, Brooklyn 7, N.Y.; Cutler Mail Chute Co., 76 Anderson Avenue, Rochester 7, N.Y.; Federal Mail Chute Corp., Ltd., 436 Kearny Street, San Francisco 8, Calif.; Pioneer Mail Chute Corp., 807 South Fulton Ave., Mount Vernon, New York.

(3) Louis Sack Co., Inc., 24 Lake Street, Somerville 43, Mass., is authorized to manufacture only receiving boxes for mailing chutes.

§ 43.7 Private mail receptacles.

(a) *Designation as authorized depository.* Every letter box or other receptacle intended or used for the receipt or delivery of mail on any city delivery route, rural delivery route, star route or other mail route is designated an authorized depository for mail within the meaning of sections 1702, 1705, and 1708 of Title 18, United States Code.

(b) *Use for mail only.* Receptacles described in paragraph (a) of this section shall be used exclusively for mail except as provided in § 46.5(h) of this chapter. Any mailable matter such as circulars, statements of account, sale bills, or other similar pieces deposited in such receptacles must bear postage at the applicable rate and bear a proper address.

PART 44—CONDITIONS OF DELIVERY

Sec.
44.1 Delivery to persons.
44.2 Delivery of addressee's mail to another.
44.3 Jointly addressed mail.
44.4 Delivery to public and private officials.
44.5 Delivery of mail addressed to incorporated and unincorporated firms.
44.6 Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.
44.7 Conflicting orders by two or more parties for delivery of same mail.
44.8 Delivery of packages.

AUTHORITY: §§ 44.1 to 44.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4004, 4101, 4102, 4103.

§ 44.1 Delivery to persons.

(a) *Delivery to addressee.* The addressee may control delivery of his mail. In the absence of a contrary order, the mail is delivered as addressed. Mail addressed to several persons may be delivered to any one of them. The addressee may refuse to accept a piece of mail at the time it is offered for delivery. After delivery he may mark a piece of mail "Refused" and return it unopened to the mails, except registered, insured, certified and COD mail which may not be returned after delivery has been effected. Where a person claiming to be the addressee of certain mail is unknown to the postmaster, the mail may be withheld pending identification of the claimant.

(b) *Delivery to persons having similar names.* Unless persons with similar names adopt some means to distinguish their mail, postmasters will use their judgment in making delivery.

(c) *Mail delivered to wrong person.* A person receiving mail not intended for him should promptly return it to the post office endorsed "Opened by Mistake" with his signature, if the letter has been opened; otherwise it should be endorsed, "Not for . . .," "Not at this address," etc.

(d) *Pension mail.* Delivery of pension mail may not be made to an attorney, claim agent, or broker, even though the addressee orders such delivery.

(e) *Mail marked in care of another.* Mail marked "In Care of" another is delivered to the first of the two persons named who may call for it; or to the address of the person in whose care it is directed in the absence of instructions from the addressee.

(f) *Restricted delivery.* Registered certified, numbered insured, and COD mail which the sender has restricted in delivery to the addressee only may not be delivered to any other person except as provided in § 51.7 (g) of this chapter.

(g) Ordinary mail bearing the word "Personal" is delivered in the same way as other mail for the addressee.

§ 44.2 Delivery of addressee's mail to another.

(a) *Delivery to addressee's agent.* (1) Unless otherwise directed, an addressee's mail may be delivered to his employee or a member of his family. A person or a number of persons may designate another to receive their mail. Designation of another person to receive mail should be in writing, but no special form is furnished or required.

(2) When mail is to be delivered to a mail receiving agency, an application on Form 1583, "Application for Delivery of Mail Through Agent", must be signed by the agent and the addressee, and the form must be filed with the postmaster. A duplicate copy of completed Form 1583 must be kept on file by the agency. Arrangements for disposition of mail must be made with the agency by the addressee. When forwarded by the agency, the mail is subject to payment of new postage.

(b) *Addressed mail to minors.* A minor's guardian may control delivery of mail addressed to the minor. If there is no guardian, and the minor is unmarried, then the father or, if he is dead, the mother may receive delivery of the minor's mail.

(c) *Addressed mail to incompetents.* Where a person has been legally declared an incompetent, his mail may be delivered in accordance with the order of his guardian or conservator. Where there is no legal representative, the mail is delivered as addressed.

(d) *Mail addressed to deceased persons.* Mail addressed to deceased persons may be delivered to the executor or administrator. When there will be no court action on the deceased's estate, the mail may be delivered as agreed to by all the heirs.

§ 44.3 Jointly addressed mail.

(a) *Delivery of jointly addressed mail.* Where mail is jointly addressed, for example, "Mr. and Mrs. John Doe," "John and Jane Doe," neither party can control delivery of such mail over the objection of the other. Jointly addressed mail is delivered as addressed by the sender so long as one of the parties can receive it there, except that U. S. Government checks will be returned if either party is deceased.

(b) *Delivery of mail addressed to husbands and wives.* Neither party may control delivery of mail addressed to the other. In the absence of instructions from the wife, her mail is placed with the husband's and delivered to him with his own.

§ 44.4 Delivery to public and private officials.

Mail addressed to a public or private official by his official title is delivered to the person actually holding such office. If the mail does not specify his title, then it is delivered in accordance with the person's order.

§ 44.5 Delivery of mail addressed to incorporated and unincorporated firms.

(a) Mail addressed to corporations is delivered as addressed or to an authorized agent. In cases where disagreement arises among corporate officers and others connected with the company, the mail is delivered in accordance with the order of the president of the corporation.

(b) Mail addressed to unincorporated firms or partnerships is delivered as addressed so long as the business is being conducted under the same name at the same address despite some members of the firm breaking off relations.

§ 44.6 Delivery of mail addressed to persons at firms, hotels, institutions, schools, etc.

(a) Mail addressed to patients or inmates at institutions, unless otherwise directed by the addressee, is delivered to the institution authorities, who in turn will deliver the mail to the addressee in accordance with the institution's rules and regulations.

(b) Mail addressed to persons at firms, hotels, schools, and similar places is delivered with the other mail directed to the firm, hotel, or school, unless otherwise ordered by the addressee. If the addressee is no longer at that address, the mail should be redirected to his current address. If the forwarding address is unknown, the mail should be returned to the post office.

(c) Registered mail addressed to persons at hotels and apartment houses will be delivered to the persons designated by the management of the hotel or apartment house in a written agreement with the Postal Service (Form 3801–A Agreement to Assume Responsibility for Registered Mail delivered). If delivery of the registered mail has been restricted by the sender it may not be delivered to the representative of the hotel or apartment house, but only to the addressee.

§ 44.7 Conflicting orders by two or more parties for delivery of same mail.

(a) *Delivery to receiver.* Where persons make conflicting orders for delivery of the same mail, and they are unable to agree among themselves as to which of the parties may receive the mail, the mail may be delivered to a named receiver or third party unanimously agreed to by the disputing parties.

(b) *Reference to General Counsel for ruling.* Where the disputing parties are unable to select a receiver, each party shall furnish the postmaster all available evidence on which he relies to exercise control over the disputed mail. If after receipt of such evidence the postmaster is still in doubt as to who should receive the mail, the postmaster will submit the case to the Office of the General Counsel for a ruling.

(c) *Delivery of mail in accordance with court order.* When the same mail is claimed by different persons, and a court decides to whom delivery should be made, the mail will be delivered in accordance with the court order.

§ 44.8 Delivery of packages.

(a) *Heavy or bulky packages.* Heavy or bulky packages of any class will be delivered as addressed if facilities are available.

(b) *Unprotected places.* Parcels will not be left on porches, steps, or elsewhere unprotected, except on the written order of the patron or when authorization for such delivery has been placed on the parcel by the mailer.

(c) *Multiple-floor buildings.* Parcel post, registered, insured, and special-delivery articles will be delivered to the addressee or his authorized agent in person without regard to the floor on which

his office or apartment is located. Cooperation of patrons is requested, however, in making arrangements for mail to be delivered on the first floor.

(d) *Second-attempt delivery.* If an ordinary parcel can not be delivered on the carrier's first attempt, a notice will be left at the address indicating that the parcel is being held awaiting call at the post office or carrier delivery station. If the parcel is not called for, a second notice is sent after 5 days. If there is no response within 5 days after the second notice and no retention period is specified by the sender, the parcel will then be treated as an undeliverable article. (See Part 48 of this subchapter.) When a retention period is specified, it is observed up to 30 days after first notice. A second attempt to deliver will be made only if requested by the addressee.

(e) *Street-address delivery for box renters.* Parcel post mail for patrons residing within the city delivery limits who receive mail through rented boxes will be delivered to a designated street address by carrier upon written request.

PART 45—CITY DELIVERY

Sec.
45.1 Establishing city delivery.
45.2 Extension of city delivery.
45.3 Submission of petitions.
45.4 Mail receptacles.
45.5 Out-of-bounds patrons.
45.6 Apartment house receptacles.

AUTHORITY: §§ 45.1 to 45.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6001, 6003, 6101, 6105, 6106.

§ 45.1 Establishing city delivery.

City delivery service may be established at any post office with annual postal receipts of at least $10,000 and having a population of approximately 2,500 living within territory possessing good continuous sidewalks, surfaced streets, house numbers, street signs, and mail receptacles or door slots. The territory must be 50 percent improved with houses. When two or more building lots constitute the grounds of one residence, the plot may be regarded as improved. Where all other requirements are met, that regarding sidewalks is waived if there are suitable walks from streets to houses. Walks of any material, including gravel and cinders, that render them passable throughout the year are acceptable.

§ 45.2 Extension of city delivery.

To extend existing city delivery service by foot carrier to new areas, 50 percent of the proposed new area must be improved with houses, and meet the other requirements for establishment of city delivery. These requirements do not apply to the same extent to delivery by mounted city carrier.

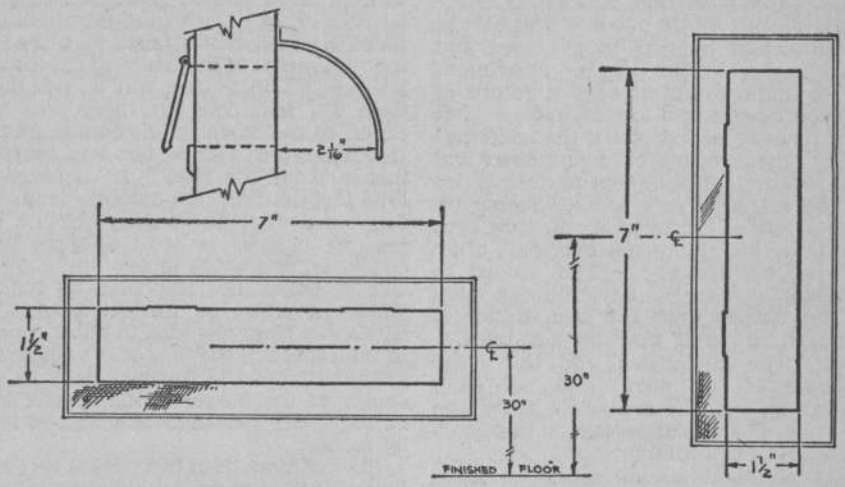
§ 45.3 Submission of petitions.

Requests or petitions to establish, change, or extend city delivery service must be made to the local postmaster. No formal petition is required.

§ 45.4 Mail receptacles.

(a) *Obligation of patron.* Patrons of the carrier-delivery service must provide mail receptacles or door slots. Business houses are not required to provide mail receptacles or door slots if they are open and someone is on hand to receive the mail when the carrier calls. Where an office building is equipped with an elevator, carriers will deliver to individual offices, provided they are open when the carrier arrives. If they will not be open mail receptacles or door slots must be provided.

(b) *Door slot specifications.* The clear rectangular opening in the outside slot plate must be at least 1½ inches wide, and 7 inches long. The slot must have a flap, hinged at the top if placed horizontally, and hinged on the side away from the hinge side of the door if placed vertically. When a hooded plate is used inside to provide greater privacy, the bottom line of the hooded portion must not be more than ¾ inch below the bottom line of the slot in the outside plate, if placed horizontally, or more than ¾ inch beyond the side line of the slot in the outside plate nearest the hinge edge of the door, if placed vertically. The hood at its greatest projection must not be less than 2 1/16 inches beyond the inside face of the door. Door slots must be placed not less than 30 inches above the finish floor line.



§ 45.5 Out-of-bounds patrons.

Patrons located outside city-delivery limits may be given delivery service if they erect boxes on the carrier's regular line of travel. Special delivery, parcel post, insured, COD, and registered mail will be delivered to the residences of out-of-bounds patrons, if the residences are not more than three blocks from the carrier's line of travel, and provided walks have been constructed or the street is not impassable; otherwise, a notice will be left in the box requesting that the patron call for the mail. If an ordinary parcel is involved and it can be placed in the box, delivery will be made in that manner.

§ 45.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance, shall be contingent on the installation and maintenance of United States Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation are paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles.

(3) When new apartments are being erected or existing ones are remodeled, postmasters will inform builders and owners of the requirements of this section and will provide for a suitable inspection to see that receptacles of safe and durable construction are installed in conformity with this section.

(b) *Specifications for construction of receptacles*—(1) *Materials.* The receptacles shall be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* Both horizontal and vertical-type receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the tenant. The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a

key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door. Each lock should be clearly numbered on the back so that if a key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to get keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee. The record of key numbers must be kept until the lock has been changed, when it may be destroyed. The record of combinations to the keyless locks must be maintained until the combination is changed, when it may be destroyed.

(iii) The dimensions of the clear opening of the door frame of each horizontal-type receptacle must be identical to the cross-sectional measurements of the receptacle itself.

(4) *Master doors and locks.* (i) Each group of front-loading receptacles must be equipped with a master door which, when open, makes the entire group of boxes accessible for the deposit of mail by the carrier. The master door shall be machined to accomodate an inside Arrow lock furnished by the local postmaster for use so long as mail is delivered by letter carriers, the key for which shall be in the custody of postal employees. Master doors for horizontal-type receptacles shall be hinged on the side only and shall be not wider than 30 inches.

(ii) The master lock must be attached to the group of receptacles by the owner or builder of the apartment house, or by his direction, under the supervision of the postmaster's representative who will see that they are securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box.

(5) *Slot.* In the face of each receptacle there must be provided a slot 2 inches in length and one-eighth inch wide for the deposit of carrier and special-delivery notices.

(6) *Backs of front-loading receptacles.* These units must have solid backs.

(7) *Numbers and name cards.* (i) Mail receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. Preferably, this holder or clasp should be on the frame above each receptacle, but it may be located inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder must be large enough to take a name card at least ¾ x 2½ inches in vertical-type installations; and in horizontal-type installations, as large as space permits.

(c) *Installation*—(1) *Arrangement and location.* (i) Receptacles in apartment houses shall be located at points reasonably near the entrance in vestibules, halls, or lobbies, adequately lighted, so as to afford the best protection to the mail and enable carriers to read addresses on mail and names on boxes without undue strain on their eyes and without interference from swinging or opening doors. In vertical-type installations the receptacles must be placed so that the center of the barrel of the master lock of the upper tier will be not more than 5½ feet from the floor, and the center of the barrel of the master lock of the lower-tier will be not less than 30 inches from the floor. In horizontal-type installations, the distance from the finished floor to the tenant locks on the top tier of boxes must be no more than 66 inches; and to the bottom of the lowest tier of boxes, not less than 30 inches. Where a group of vertical receptacles tilts away from the wall to allow deposit of mail through the tops of the boxes, the distance from the finished floor to the center of the barrel of the master lock of the upper tier shall be no more than 56 inches.

(ii) No more than two tiers of vertical-loaded boxes may be installed. They should be arranged so as to permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which one master lock may be attached is three.

(iii) Vertical-type receptacles must be arranged in groups, as many in each group as is consistent with safety, but never less than eight in a group, except where the number of apartments is less than eight or where the number of boxes cannot be evenly divided into multiples of eight or where telephone units are installed with the receptacles.

(2) *Access to rear loading of horizontal-type receptacles.* Access to rear loading installations shall be provided by a door fitted with an inside Arrow lock opening into a room having at least 3 feet of unobstructed work space from the rear of the units to the wall. The room must be adequately ventilated and lighted. The rear of the unit must have a screen or cover of plywood or other suitable material to prevent the removal of mail from adjacent boxes and to prevent mail from falling out the back. This cover must be securely fastened and easily opened by the carrier.

(3) *Installation with telephone units.* (i) Where necessary or desirable to install mail receptacles in conjunction with a telephone unit of a standard size, the vertical-type receptacles may be placed in two tiers, or they may be installed in groups or batteries of less than eight if required for the proper arrangement of the groups in the two tiers. This does not apply to cases where the telephone unit is installed independently of mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric push buttons may be placed in the frame of the installation, connecting with wires outside the mail receptacles, provided the pushbuttons can be removed from the outside and the wire connection with such pushbuttons can be repaired without removal of the receptacles.

(ii) Telephone units combined with mail receptacle units must be constructed so that access to the telephone unit is not dependent on entering the mail receptacle, and the latter must not be accessible when the telephone unit is opened.

(d) *Directories.* (1) In all apartment houses where there are 25 or more receptacles, a complete directory of all persons receiving mail must be maintained. Where an apartment house is divided into units with separate entrances and 25 or more receptacles are installed to the unit, a separate directory must be provided for each unit. In addition, where mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

(2) Directories must be alphabetical by surname and must be maintained and kept corrected to date. The receptacle number and apartment number should always be the same. and the apartment number should appear on the right of the name on the directory. If, for any cause, the apartment number is different from the number of the receptacle, the receptacle number should appear on the left of the name in the directory. The same arrangement shall be followed where the apartments and receptacles are either lettered or lettered and numbered.

(3) The directory must be of legible type, in a suitable frame for protection purposes, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. If an attendant, such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a.m., and 11 p.m., and mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available to the carrier or special-delivery messenger on request.

(e) *Maintenance and repair.* (1) The owners or managers of buildings must keep receptacles in good repair. When an inside letterbox Arrow lock is no longer needed, the building management must immediately notify the postmaster so that a postal employee can be detailed to supervise removal of the lock from the master door for return to the post office. Owners and managers of buildings must return to the postmaster any inside letter-box arrow locks that become defective or that are no longer needed.

(2) Carriers will report on Form 3521, "Carrier's Report on Condition of House Numbers and Mail Receptacles", all apartment houses that are being remodeled and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that

all inside letter-box arrow locks are recovered when buildings are torn down or remodeled.

(3) Upon receipt of a report of lack of repair or irregularity in the operation of apartment house mail receptacles, postmasters will have prompt investigation made and direct what repairs must be made by and at the expense of the owners or managers. So that there will be no question as to the disposition or treatment of mail, repairs must be made only when a representative of the post office is present. It is unlawful for other than postal employees to open receptacles and expose mail.

(4) Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding delivery of mail therein and requiring the occupants of the apartments to call for their mail at the post office or carrier delivery unit serving the area if this action is believed advisable for safety reasons. When such action is contemplated, a reasonable notice of approximately 30 days will be given in writing to the patrons and the owner or manager of the apartment building.

(5) When mail, deposited by a carrier in an apartment house mail receptacle, is reported lost or stolen or when there is indication that the mail has been wilfully or maliciously damaged, defaced, or destroyed, the postmaster shall immediately report the circumstances to the local postal inspector or the postal inspector in charge.

(6) The United States Penal Code prescribes for the wrongful possession of mail locks and the wilful or malicious injury or destruction of letter boxes and the theft of mail therefrom. Manufacturers are authorized to place on each installation of apartment houses mail receptacles the words "U.S. Mail" and a warning notice of these provisions of law. Manufacturers are also authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General", when the designs have been approved by the Post Office Department.

(f) *Manufacturers and distributors.* The following is a list of manufacturers and distributors of one or more designs of apartment house mail receptacles approved by the Post Office Department, with trade names of boxes:

(1) *Vertical-type.*

Auth Electric Co., Inc., 34-20 45th St., Long Island City 1, N.Y.

Bommer Spring Hinge Co., Inc., Landrum, S.C. (Keilson).

S. H. Couch Co., Inc., Boston 71, Mass. (Nos. 73 and 73-F).

Dura Steel Products Co., 1744 East 21st St., Los Angeles, Calif.

Florence Manufacturing Co., Inc., 8908-18 South State St., Chicago 19, Ill. (Pry-Proof, 13-F).

Jensen Industries, 159 South Anderson St., Los Angeles 33, Calif.

Mail Safe Manufacturing Division, of Ekholm Manufacturing Co., 622 Watson Ave., Saint Paul 2, Minn.

Perma-Bilt Steel Products Co., 8324 Graham Ave., Los Angeles 1, Calif.

(2) *Horizontal-type.*

The American Hardware Corp., Corbin Wood Products Div., New Britain, Conn.

PART 46—RURAL SERVICE

Sec.
46.1 Rural stations.
46.2 Delivery routes.
46.3 Carrier service.
46.4 Payment of postage.
46.5 Rural boxes.

AUTHORITY: §§ 46.1 to 46.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 701, 6005, 6009.

§ 46.1 Rural stations.

(a) *Establishment.* Rural stations are established and maintained in communities where a considerable number of people would be seriously inconvenienced if required to transact postal business with rural or star route carriers only, and where it is determined inadvisable to establish post offices.

(b) *Functions.* Rural stations dispatch, receive and deliver mail, issue money orders, register mail, and sell stamps.

(c) *Hours.* Rural stations are open during ordinary business hours each weekday, except holidays.

(d) *Treatment of mail.* Mail addressed to a rural station will be retained there to be called for, unless the addressee is a patron of a rural route starting from the station, or of an adjoining route, in which case the mail will be delivered to the patron's box by the carrier.

§ 46.2 Delivery routes.

(a) *Establishment.* A majority of the patrons who are heads of families living on a proposed rural route may by written petition ask the Post Office Department to establish a route.

(b) *Road conditions.* Roads on which rural delivery service is desired must be in good condition and so maintained, unobstructed by gates. There must be no unbridged streams not fordable at all seasons of the year.

(c) *Obstructions to travel.* Patrons and road supervisors or officials in charge of highways will be notified on Form 4024 "Request to repair roads," of road conditions obstructing the delivery of mail. If repairs are not made promptly, the postmaster will report the facts to the Regional Director with his recommendation for a change in the route to withdraw it from impassable or unsuitable roads.

(d) *Multiple routes.* A patron living on a road traveled by two or more rural carriers may select the carrier by whom he prefers to have his mail delivered and collected, in which case only the designated carrier will handle his mail. Unless such selection is made by the patron, each carrier passing the box will deliver mail to it and collect from it any mail that he can expedite in dispatch or delivery, provided the box is on the right-hand side of the road as traveled by the carrier.

(e) *Star-route delivery.* Patrons living on or near a star route, where the contract calls for box delivery and collection service, and not within one-fourth mile of any post office, may have their mail deposited on the line of the star-carrier route in a box erected so that the carrier may deliver and collect mail without dismounting from his vehicle. Authorization for mail delivery at a star route box is made on Form 5431, "Standing Delivery Order—Star Route", available at post offices. Star-route carriers are agents of the patrons for whom they deliver and collect mail along their routes and are not employees of the Postal Service. Persons residing on roads traveled by both rural and star-route carriers may qualify as patrons of either or both routes. If one box is used for both routes, it must be an approved standard rural-route box.

§ 46.3 Carrier service.

(a) *Availability.* Rural carrier service is provided to persons who erect approved boxes on the line of travel of the rural carriers, except those residing within city-delivery limits.

(b) *To residence.* Rural carriers will deliver registered, certified, numbered insured, COD, and special delivery mail to the patron's residence if it is not more than one-half mile from the route and if there is a passable road leading to it. Unnumbered insured mail will be delivered the same as ordinary mail.

(c) *Parcel delivery.* Rural carriers will deliver outside of boxes ordinary parcel-post packages that are too large to go in the boxes, provided the addressee has filed with the postmaster a written order for delivery in this manner. The written order must provide that the Post Office Department and the carriers are relieved of all responsibility in case of loss or depredation. Where a patron lives within hailing distance of a route, the carrier will, before making delivery in this manner, make a reasonable effort to hail the patron so that he may come to the mail box to receive the parcel.

(d) *Contagious disease.* A rural carrier will deliver mail to the box of a patron where a quarantined disease exists, when this can be done without exposure to contagion; but no mail will be collected from such box while the quarantine is in force.

(e) *Withdrawal of service.* Service will not be withdrawn from any box without specific authority from the Regional Director.

§ 46.4 Payment of postage.

(a) *Acceptance of mail.* (1) A rural carrier will accept any mailable matter provided the postage is fully prepaid or money equal to the required postage is furnished, unless the purpose of handing mail to the carrier for deposit into one office is to "boycott" another office or deprive it of legitimate revenue. During the month of December, however, patrons are required to affix stamps to all greeting cards and letter mail.

(2) When a rural carrier finds unstamped mail in a patron's box and the requisite amount of money for postage, he will normally collect the mail and money and affix the necessary postage. Mail will be expedited throughout the year if patrons keep a supply of stamps on hand and regularly affix stamps to all first- and third-class mail. The carrier has for sale stamps, stamped envelopes, and postal cards. For convenience and safety, patrons who leave mail and money in rural mail boxes to be collected by the carrier should either wrap

the money, place it in a coin-holding receptacle, or attach it to the mail by means of a clip or other suitable fastener.

(b) *Postage uncertain.* When matter is given to a rural carrier for mailing and he is unable to determine the postage, he will accept from the sender an amount sufficient to insure full payment of postage and return to the sender on the next trip any excess amount collected.

(c) *Insufficient postage.* When mailable matter is deposited in a box and the required postage has not been paid or sufficient money left for the purchase of stamps, the rural carrier will, when the identity of the sender is known, place in the box a notice that such matter cannot be dispatched until the necessary postage is paid. If the identity of the sender is unknown, the matter will be taken to the post office and treated as unpaid mail. (See §§ 21.4, 24.4, 25.4, and Part 37 of this chapter.)

(d) *Unpaid mailable matter in box.* When a rural carrier finds in a rural box mailable matter on which postage has not been paid, addressed to or intended for the person in whose box it is deposited, the carrier will take such matter to the post office to be held for postage.

§ 46.5 Rural boxes.

(a) *Specifications.* (1) There are three approved standard sizes of mail boxes for use on rural routes. Size 1 is approximately 19 inches long, 6½ inches wide, and 8½ inches high. Size 1–A is approximately 21 inches long, 8 inches wide and 10½ inches high, with a letter slot in the door. Size 2 is approximately 23½ inches long, 11½ inches wide and 13½ inches high. Specifications and drawings which may be used for guidance in the manufacture of standard rural mail boxes may be obtained by writing to the Assistant Postmaster General, Bureau of Operations, Washington 25, D.C.

(2) Deviations from these specifications will be permitted but must be approved by the Post Office Department. In general, boxes may be constructed in any size between the maximum and minimum outside dimensions given by the departmental drawings provided the height, width, and length proportions and the general shape are maintained. The standards of workmanship and material specifications given in the departmental drawings are the minimum acceptable.

(3) Individuals, firms, or companies proposing to manufacture rural mail boxes for sale must submit a prototype box for examination to the Assistant Postmaster General, Bureau of Operations, Washington 25, D.C. If the sample is approved, the manufacture of the box will be authorized on condition that the manufacturer emboss or stamp in a conspicuous place on each box the words "Approved by the Postmaster General" and, inconspicuously, the name of the manufacturer.

(4) The following list includes the manufacturers of rural mail boxes whose samples have been approved by the Department:

Akron Metal Sales Co., 1079 E & J Street, Barberton, Ohio.

American Metal Works, Post Office Box 547, New Orleans 1, La.

Chicago Heights Furnace Supply Co., Inc. 96–104 East 22d Street, Chicago Heights, Ill.

Cincinnati Pump & Manufacturing Co., 117 East Liberty Street, Cincinnati 10, Ohio.

Conco Engineering Works, Mendota, Ill.

The Deshler Mail Box Co., 101 East Maple Street, Deshler, Ohio.

Falls Stamping and Welding Co., Cuyahoga Falls, Ohio.

Hermitage Stamping Co., 917–919 Ewing Avenue, Box 966, Nashville 4, Tenn.

Inland Steel Products Co., Post Office Box 323, Milwaukee 1, Wis.

Jackes-Evans Manufacturing Company, 4427 Geraldine Street, Saint Louis 15, Mo.

Leigh Building Products, Coopersville, Mich.

Macklanburg-Duncan Co., 4041 North Sante Fe Street, Oklahoma City, Okla.

Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 10, Ill.

Northwest Metal Products, Inc., 55 Spokane Street, Seattle 4, Wash.

Sears, Roebuck & Co., Department 609, Chicago 7, Ill.

Southern Fabricators Corp., 1010 West Broadway, Steeleville, Ill.

Steel City Manufacturing Co., P.O. Box 1115, Youngstown 1, Ohio.

Superior Sheet Metal Works Co., 3201–3–5–7–9 Roosevelt Avenue, Indianapolis 1, Ind.

The Steel City Manufacturing Company, Post Office Box 1115, Youngstown 1, Ohio.

United States Steel Products Co., 5100 Santa Fe Avenue, Los Angeles 58, Calif.

Waterloo Valve Spring Compressor Co., Post Office Box 209, Waterloo, Iowa.

J. E. Weatherford & Son Tool & Die Co., 115 North Fourth Street, Nashville, Tenn.

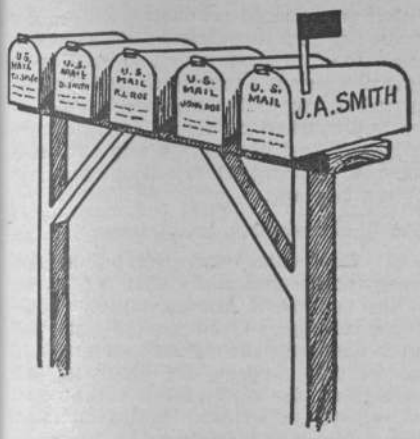
(b) *Painting and identification.* The Department prefers that rural mail boxes and posts or supports be painted white, but they may be painted other colors if desired. It is not necessary that posts or supports and boxes be painted the same color. The name of the owner of each box must be inscribed in neat letters not less than 1 inch high on the side of the box that is visible to the carrier as he regularly approaches, or on the door if boxes are grouped. The letters should be of a contrasting color. The box number may be inscribed on the box on the side that is visible to the carrier as he approaches, or on the door if boxes are grouped. Advertising on boxes or supports is prohibited.

(c) *Posts and supports*—(1) *Construction.* Posts or other supports for rural mail boxes must be neat and of adequate strength and size. They may not be designed to represent effigies or caricatures that would tend to disparage or ridicule any person. The box may be attached to a fixed or movable arm.

(2) *Newspaper receptacles.* A receptacle for newspapers, not restricted to any one paper, may be placed above or below the mail box or on the post or support, provided it will not interfere with the delivery of the mail, obstruct the view of the flag, or present a hazard to the carrier or his vehicle. The receptacle must not extend beyond the front of the mail box when the box door is closed. No advertising shall be displayed on the outside of the receptacle except that the name of a publication may be shown.

(d) *Location.* Rural boxes must be placed so that they may be conveniently served by carriers without leaving their conveyances, and must be located on the right-hand side of the road in the direction of travel of the carriers in all cases where traffic conditions are such that it would be dangerous for the carriers to drive to the left in order to reach the boxes, or where their doing so would constitute a violation of traffic laws and regulations. On new rural routes all boxes must be located on the right of the road in the direction of travel of the carrier. Boxes must be placed to conform with State laws and highway regulations. Rural carriers are subject to the same traffic laws and regulations as are other motorists. Patrons must remove obstructions, including snow, that make delivery difficult.

(e) *Grouping.* Boxes should be grouped wherever possible, especially at or near cross roads or at other places where a considerable number of boxes are located. A simple and practicable support consists of a board erected on firmly planted posts.



(f) *More than one family.* More than one family, but not more than five families, may use the same box, provided a written notice of agreement, signed by the heads of the families, or by the individuals who desire to join in the use of such box, is filed with the postmaster at the distributing office.

(g) *Locks.* The use of locks on boxes is not required. If patrons provide locks, the keys should be delivered only to the postmaster, who will assign them to the carrier. The carrier will unlock and lock the boxes when serving them. To facilitate the carrier's work, patrons should, as far as practicable, adopt locks for each route of such pattern that a master key may be provided the carrier for unlocking the boxes.

(h) *Unstamped newspapers.* Rural boxes are to be used for mail only, except that publishers of newspapers regularly mailed as second-class mail may, for Sundays and National holidays only, place copies of the Sunday or holiday issues in the rural and star-route boxes of subscribers, with the understanding that copies will be removed from the boxes before the next day on which mail deliveries are scheduled.

(i) *Boxes that do not conform to regulations.* Rural carriers will report any boxes that do not conform to the regulations to postmasters who will send to the owners of these boxes POD Form 4056 "Your Mail Box Needs Attention" requesting that the irregularities or defects be remedied.

PART 47—FORWARDING MAIL

Sec.

47.1 Order to change address.
47.2 Time limit of change of address order.
47.3 Postage for forwarding.
47.4 Address changes of persons in U. S. service.
47.5 Forwarding due to change in post office service.
47.6 Reforwarding.
47.7 Guarantee to pay forwarding postage.

AUTHORITY: §§ 47.1 to 47.7 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4101, 4102, 4103, 4105.

§ 47.1 Order to change address.

(a) *Ordinary mail.* To have mail delivered to a new address, file Form 3575, Change of Address Order, which is available at any post office or from any carrier. A written and signed order or a telegram is acceptable. The order or telegram must be sent by the patron, his agent, or the person in whose care the mail will be accepted. The old and new addresses must always be furnished. Mail addressed to persons for whom Change of Address Order is on file will be sent by the post office of original address to the new address.

(b) *Registered, certified, insured, and COD mail.* A Change of Address Order for ordinary mail will cover registered, certified, insured, and COD mail unless the sender has given other instructions or unless the addressee moved outside the United States. The sender's instructions should be written or printed on the envelope or wrapper. Examples: "Do not forward; If not accepted within ____ days return to sender." Exceptions:

(1) COD mail will not be forwarded to the Canal Zone, and with the exception of official shipments to military agencies, COD mail will not be forwarded to overseas military post offices. See § 53.1(c) of this chapter.

(2) Domestic registered articles mailed outside the United States and addressed for delivery in the United States will not be forwarded to the Canal Zone if the postage indicates the articles were valued at more than $100. Articles mailed in the Canal Zone addressed for delivery in the United States will not be forwarded to any place outside the United States if there is reason to believe the value exceeds $100.

(3) Insured and COD parcels that have the mailers' instructions to abandon or to sell perishable items, written or printed on the envelope or wrapper, will be treated according to the instructions. Examples:

Do not forward or return. If not accepted within ____ days, treat as abandoned. Notify mailer of final disposition.

Do not forward or return. If undelivered after ____ days, sell contents to highest bidder and remit proceeds, less commission, to mailer.

Do not forward or return. If undeliverable after ____ days, destroy. Notify mailer of final disposition.

A commission of 10 percent, but not less than 25 cents is retained by the Postal Service from the amount for which perishable items are sold.

(4) COD mail may have written or printed on it a request that it be forwarded to a new addressee. The name and address of the new addressee must be shown in a bordered space with instructions that the mail be delivered either with or without the collection of COD charges. The mailers' pledge to pay return and forwarding postage must be placed on the mail if it is not charged with first-class postage.

§ 47.2 Time limit of change of address order.

(a) *Time limit specified by addressee.* To have mail forwarded for a limited time, not to exceed 2 years, state the beginning and expiration dates. The original order should be canceled when the addressee returns to his old address or moves to another permanent address within the specified period.

(b) *Time limit not specified by addressee.* Records of permanent change of address orders, other than those subject to paragraph (c) of this section, are maintained for 2 years and the order is not renewable. Mail may continue to be forwarded beyond the 2-year period if the new address is known to the forwarding employee.

(c) *Change from general delivery at carrier delivery office.* (1) *To permanent local address.* Record of change of address orders without time limit will be maintained 6 months.

(2) *To other than permanent local address.* Record of change of address orders without time limit will be maintained for 30 days.

§ 47.3 Postage for forwarding.

(a) *Change in local address.* If a change is made to an address served by the same post office, mail of all classes will be delivered as directed and additional postage will not be required. (See § 25.2(b)(4) of this chapter regarding local delivery.)

(b) *Change to another post office.* Mail forwarded to another post office is subject to additional postage as follows, to be computed the same as if the piece were originally mailed at the office from which it is forwarded.

(1) *First-class mail.* No charge is made for forwarding first-class mail, including postal and post cards, when postage has been fully prepaid by the sender. No additional charge is made for forwarding first-class mail that is not fully prepaid, but any amount shortpaid at the time of original mailing will be collected on delivery. Drop letters when forwarded are rated for collection of additional postage for the difference between the amount prepaid and the total postage computed at the first-class rate.

(2) *Second-class mail.* Second-class mail when forwarding postage is guaranteed by the sender or addressee, will be charged with postage due at the second-class transient rate computed on each individually addressed copy or package of unaddressed copies. (See § 22.1(c) of this chapter.)

(3) *Controlled circulation publications.* Controlled circulation publications (See Part 23 of this chapter) are subject to additional postage for forwarding at the single-piece third- or fourth-class rate according to weight. These publications are forwarded only when the sender or addressee has guaranteed forwarding postage. See § 48.2 (c) of this chapter.

(4) *Third-class mail.* Third-class mail is subject to collection of additional postage for forwarding at the single-piece rate. (See § 24.1 of this chapter.) Such matter is forwarded only if it is of obvious value or if the sender or addressee has guaranteed forwarding postage. Mail of no obvious value or bearing no forwarding postage guarantee will be disposed of as undeliverable mail (see § 42.8(d) of this chapter).

(5) *Fourth-class mail.* Fourth-class mail is subject to the collection of additional postage for forwarding at the ap-

plicable rate of postage. (See § 25.1 of this chapter.)

(6) *Airmail.* No additional charge is made for forwarding airmail articles weighing 8 ounces or less. These articles are sent by air when air service to the new address is available. First-class mail of this weight may also be forwarded by air on prepayment of the difference between the surface and air rates. Airmail weighing over 8 ounces is forwarded by air at the applicable air zone rate to be collected on delivery except when the article bears the sender's specific instructions to forward it by surface mail. When forwarded by surface mail, forwarding postage at the applicable rate according to class of mail is collected on delivery. (See § 26.1 of this chapter.)

(7) *Registered, certified, insured, COD, and special handling mail.* Registered, certified, insured, COD, and special handling mail is forwarded without payment of additional fees, but the ordinary forwarding postage charges, if any, must be paid. See § 56.4(f) of this chapter concerning special delivery mail forwarded to another address.

§ 47.4 Address changes of persons in U.S. service.

Mail of all classes addressed to persons in the United States service (civil and military) serving at any place where the United States mail service operates, whose change of address is caused by official orders, will be forwarded until it reaches the addressee and no additional postage will be charged. Second-, third-, and fourth-class mail and air parcel post so forwarded is endorsed by the forwarding office Change of Address Due to Official Orders. This provision for free forwarding from one post office to another applies to mail for the accompanying members of the families of persons in the United States service. (Exceptions: Second-class mail will not be forwarded from the United States to overseas APO addresses. Copies of publications addressed to Army or Air Force personnel transferred to overseas assignments will be endorsed by military personnel "Forwarding prohibited, addressee assigned overseas effective ----------", and returned to the post office for disposition. See § 48.2(b) of this chapter.) See § 47.2 regarding time limit of orders filed with the post office.

§ 47.5 Forwarding due to change in post office service.

(a) *Addressed to a discontinued post office.* Mail of any class addressed to a discontinued post office may be forwarded to any other post office designated by the addressee without additional charge when the office to which such mail is ordered sent by the Department is not convenient for the addressee.

(b) *Forwarded due to change in rural delivery service.* Patrons of any office who, on account of the establishment of or a change in rural delivery service, receive their mail from the rural carrier of another office may have their mail sent to the latter office and delivered by rural carrier without a new prepayment of postage, provided they first file with the postmaster at the former office a written request to that effect.

(c) *Time limit.* Time limit for forwarding is same as for order to change address. See § 47.2.

§ 47.6 Reforwarding.

The address (but not the name) may be changed and the mail reforwarded as many times as necessary to reach the addressee. Each time second-, third-, or fourth-class mail, and airmail weighing over 8 ounces, is reforwarded, it is charged additional postage at the appropriate rate.

§ 47.7 Guarantee to pay forwarding postage.

When either the sender or the addressee desires to have second-, third-, or fourth-class mail forwarded because the addressee has moved to another post office, forwarding postage must be guaranteed under one of the following conditions:

(a) The addressee may guarantee to pay forwarding postage on any or all of these classes by so indicating on his Change of Address Order. (See § 47.1.)

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his return address in the upper left corner of the address side of the piece. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded, or the return postage when it is returned as undeliverable from the post office of first address. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage, but it shall be endorsed "Refused" and treated the same as if it bore sender's pledge to pay return postage.

PART 48—UNDELIVERABLE MAIL

Sec.

48.1 Description.
48.2 Treatment by classes.
48.3 Return address required.
48.4 Notice to sender on third- and fourth-class mail.
48.5 Retention periods.
48.6 Disposal of undeliverable mail.
48.7 Directory service.
48.8 Dead mail.

AUTHORITY: §§ 48.1 to 48.8 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4101–4110, 5008.

§ 48.1 Description.

Mail that cannot be delivered because of incomplete or incorrect address, or the removal of the addressee, or is unclaimed or refused by the addressee, will be treated in accordance with this part at the office where the mail is found to be undeliverable. This includes nixie mail which is mail not transmissible because of illegible or insufficient address. Refused mail is that which is refused at time delivery is attempted; and that returned to the mail unopened by addressee and marked refused. Mail properly delivered and opened by the addressee will not be reaccepted without payment of new postage.

§ 48.2 Treatment by classes.

(a) *First-class mail.* First-class mail, except postal and post cards, is returned to the sender, if known, without additional charge. Only postal and post cards that bear the sender's guarantee to pay return postage are returned, and postage at the card rate is collected on delivery to the sender. Mail paid at the drop-letter rate is returned to the sender at the same post office without additional charge. If the sender is at another post office, additional postage for the difference between the amount prepaid and total postage computed at the first-class rate is collected on delivery. Any postage due because of failure to fully prepay postage at the time of mailing will be collected from the sender when the undeliverable mail is returned.

(b) *Second-class mail*—(1) *Change in local address*—(i) *Delivery for 3 months.* When there has been any kind of a change in the local address, the copies of second-class publications bearing the old local address shall be delivered to the new local address without charge for a period of 3 months even though the copies bear the pledge of the sender to pay return postage. The words "local address" as used in this paragraph mean any address served by the city, village, rural, or star carriers of any specific post office or a post office box or general-delivery address at the post office. Form 3578, "Change of Address Notice to Publisher," shall be furnished to the addressee at the new local address, and he shall be requested to use it promptly for furnishing the new local address to the sender. Form 3578 shall not be inserted in the copies but shall be delivered to the addressee separately from the copies.

(ii) *Procedure after 3 months.* When copies bearing the old local address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, the carrier or clerk serving the old address shall write the new local address on Form 3579, "Undeliverable Second-Class Matter", which shall then be affixed to the copies, envelopes, or wrappers, near but not over, the old address. The copies shall then be delivered to the inquiry section or to the clerk designated by the postmaster to receive them. The portion of the page, envelope, or wrapper which bears both the old address and Form 3579 shall then be cut or torn from the copies, envelopes, or wrappers, placed in an envelope, and mailed directly to the publisher, news agent, or other sender. The address on the envelope shall always include the name of the publication. Any number of notices may be returned in one envelope. Each envelope shall be rated with postage due at the rate of 5 cents for each notice contained in the envelope. Copies bearing the old address which are received

after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, the portion of the page, envelope, or wrapper, shall not be detached, and after expiration of the 3 months' period the complete copy shall be returned to the sender rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies.

(2) *Undeliverable for any reason other than change in local address.* When copies of second-class publications are undeliverable as addressed for any reason other than a change in the local address (see subparagraph (1) (i) of this paragraph) the carrier or clerk serving the old address shall prepare Form 3579 and affix it to the first undeliverable copy, or its envelope or wrapper, near but not over the old address, and then deliver the copy to the inquiry section or to the designated clerk. If the copies do not bear the pledge of the sender to pay return postage, the notice shall be mailed to the sender in the manner prescribed by subparagraph (1) (ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one which is undeliverable as addressed, shall be returned to the sender rated with postage due as provided by subparagraph (1) (ii) of this paragraph.

(3) *Pledge of addressee or sender to pay forwarding postage.* When a change of address is other than a change of local address (see subparagraph (1) (i) of this paragraph) and the addressee has filed a written guarantee either on Form 3575, "Change of Address Order," or otherwise to pay forwarding postage, the copies of second-class publications bearing the old address shall be forwarded to the new address for a period of 3 months rated with postage due at the transient rate (see § 22.1(c) of this chapter) computed on each individually addressed copy or package of unaddressed copies. Form 3578 shall be furnished to the addressee at the new address in the manner prescribed by subparagraph (1) (i) of this paragraph. If the addressee refuses to pay the postage due, the postmaster at the old address shall be requested by the postmaster at the new address to immediately discontinue forwarding the copies. When copies bearing the old address, but not the pledge of the sender to pay return postage, are received after the period of 3 months has expired, a notice shall be prepared and mailed to the sender in the manner prescribed by subparagraph (1) (ii) of this paragraph. Copies bearing the old address which are received after the mailing of the notice shall be disposed of as waste. When the copies bear the pledge of the sender to pay return postage, each complete copy beginning with the first one bearing the old address received after the period of 3 months has expired, shall be returned to the sender rated with postage due as provided in subparagraph (1) (ii) of this paragraph.

(4) *Manner in which the pledge of the sender shall be shown.* The pledge of the sender to pay return postage on copies which are undeliverable as addressed shall be printed on the envelopes or wrappers or on one of the outside covers of unwrapped copies, and shall be immediately preceded by the sender's name and address.

(5) *Failure to follow procedure.* When postmasters do not comply with the instructions in this paragraph their noncompliance should be brought directly to their attention by any postmaster who observes the noncompliance. In all cases where a change of address is not made by the sender within 3 months after the notice is sent on Form 3579, the postmaster at the office of mailing shall be requested to instruct the sender to make the change.

(6) *Canadian publications.* The procedure prescribed by subparagraphs (1) through (3) of this paragraph shall be followed when copies of Canadian second-class publications are undeliverable as addressed.

(7) *Special circumstances.* See §§ 47.4 and 47.5 of this chapter for instructions as to forwarding publications under the special circumstances described therein.

(c) *Controlled circulation publications.* Undeliverable copies bearing a pledge to pay return postage will be returned to the sender, and return postage at the single-piece third-class rate or fourth-class rate, whichever is applicable, will be collected on delivery. Other undeliverable copies mailed by a publisher will be treated as described in paragraph (b) (1) through (4) of this section.

(d) *Third-class mail.* Undeliverable third-class mail of obvious value or bearing the sender's pledge to pay return postage will be returned to the sender, and postage at the single-piece rate will be collected on delivery. (See § 24.1 of this chapter.) Such mail having no obvious value, and without a pledge to pay return postage, will be treated as waste.

(e) *Fourth-class mail.* Undeliverable fourth-class mail will be returned to the sender or sender's representative unless parcel is marked by sender "Treat as Abandoned" and postage at the fourth-class rate will be collected on delivery. (See § 25.1 of this chapter.)

(f) *Airmail.* Airmail weighing 8 ounces or less will be returned by the same transportation as first-class mail at no additional charge. Airmail weighing more than 8 ounces will be returned by surface transportation at the appropriate rate according to class of mail; except that, when the mail bears instructions of the sender to return by airmail, it will be returned at the airmail rate to be collected on delivery to the sender.

(g) *Registered, certified, insured, and COD—(1) Registered, certified, and insured.* When registered, certified, and insured mail is undeliverable as addressed, a notice is sent to the mailer on Form 3858 "Notice of Undelivered or Abandoned Mail", showing the reason. By completing the form and returning it immediately in an envelope bearing first-class postage, the mailer may tell the postmaster what to do with the mail. Mail will be returned to the mailer if there is no response. The postage charge, if any, for returning the mail, but not registration, insured or certified fees, will be collected from the mailer.

EXCEPTION: When registered, certified, and insured mail is addressed to a person who has moved and left no forwarding address, Form 3858 will not be sent, and the mail will be returned immediately to the mailer. Registered and insured nixie mail shall be returned immediately to sender.

(2) *COD.* A request to receive a notice that COD mail has not been delivered may be written or printed on a parcel by the mailer. The request may include directions to send the notice to the mailer or to his representative. When the mailer's representative is designated, the representative's name and local or nearby address must be shown in a bordered space with instructions reading: "Do not deliver to mailer's designated representative without collecting COD charges, or deliver without collecting COD charges to mailer's designated representative."

(h) *Perishable mail.* Undeliverable parcels containing perishable items that cannot be forwarded or returned before spoiling, and parcels of day-old poultry, that cannot be delivered or returned within 60-hours after hatching, if salable will be disposed of by the postmaster through competitive bidding. Sale by bid will not be made to the addressee. The postmaster will send the proceeds of the sale, less a commission of 10 percent (but not less than 25 cents), to the mailer, by postal money order with an explanation of the action taken. The postal money order fee will be deducted.

(i) *Foods, drugs, and cosmetics.* (1) Undeliverable packages containing food or drugs will be destroyed. They will not be sold, donated or retained as dead parcel post.

(2) Undeliverable packages containing cosmetics such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, after-shave lotions and deodorant sticks or pastes which bear no statements claiming medicinal properties will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

§ 48.3 Return address required.

The return address of the sender must be shown on the address side of mail to secure its return. The following rules apply:

(a) The proper location is in the upper left corner on envelopes, cards, labels, tags, or wrappers. On second- or third-class mail, the sender must place "Return Postage Guaranteed" below the return address. Use of the pledge to pay return postage is recommended for fourth-class mail also.

(b) The sender may in his return address request that mail (other than reg-

istered, insured, and certified) be held for not less than 3 days or more than 30 days. Examples:

Return in 3 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.

Return in 30 days to
Frank B. White
2416 Front Street,
St. Louis 25, Mo.
Return Postage Guaranteed

(c) Requests to lengthen or shorten retention periods specified by sender to not less than 3 nor more than 30 days will be honored only at the sender's and not addressee's request.

§ 48.4 Notice to sender on third- and fourth-class mail.

(a) *Mail to be marked.* Notices on Form 3547 are furnished under the following conditions only for third- and fourth-class mail and official mail of U.S. Government departments and agencies when undeliverable as addressed. The sender must:

(1) Prominently print or handstamp in the lower left corner of the address side, "Form 3547 Requested."

(2) Show his name and return address in the upper left corner.

(3) Accept and pay the 5-cent fee for each card notice, or pay the return postage on mail sent back as undeliverable.

(b) *Conditions.* Mail bearing a request for Form 3547 will be treated as follows:

(1) When the change is to another local address, the notice on Form 3547 will show the original address (together with any key number used by the mailer) and the new address. A change in address includes a change from street address or other address to a post office box.

(2) When the change is to another post office and the piece is forwardable under the sender's or addressee's guarantee to pay forwarding postage, or when the mail is to be forwarded because it is of obvious value, the notice on Form 3547 will show the same information as subparagraph (1) of this paragraph.

(3) When the change is to another post office but forwarding postage is not guaranteed, the mail itself is returned with a notation showing the new address, and is rated for collection of return postage due at the appropriate single-piece rate.

(4) When the mail is undeliverable as addressed and no new address is on file, the reason for nondelivery is noted on the mail, and it is returned rated for collection of return postage at the appropriate single piece rate.

(5) If mail is not marked as required by paragraph (a) of this section, no notice will be furnished.

§ 48.5 Retention periods.

(a) *Ordinary mail.* (1) Mail returnable under paragraphs (a) through (f) of § 48.2 is:

(i) Returned immediately if refused by addressee.

(ii) Returned immediately if undeliverable when specifically addressed to a street, building, rural or star route, or post office box; except that when a patron moves without leaving a change of address, the mail will be held for 10 days awaiting a forwarding order and, if no order is received in that time, the mail will then be handled as undeliverable. However, this shall not preclude compliance with sender's request in accordance with § 48.3(b).

(iii) Returned immediately, if undeliverable, when incompletely, illegibly, or incorrectly addressed and addressee is unknown.

(iv) Retained in general delivery not to exceed 30 days, at the request of sender, if addressed in manner to indicate addressee is expected to call for mail.

(v) Retained as follows when not specifically addressed or when sender does not specify a retention period:

(*a*) Five days if for delivery by village, rural or star route carrier.

(*b*) Ten days if intended for general delivery service at an office having city carrier service.

(*c*) Fifteen days if intended for general delivery service at an office not having city carrier service.

(2) Perishable items not marked to abandon that cannot be delivered before spoiling or day old poultry that cannot be delivered within 60 hours after hatching are returned immediately, provided return to sender can be made prior to spoilage or within the 60-hour period. (See paragraph (h) of § 48.2.)

(3) Mail addressed and deliverable to a post office box, except registered, certified, insured, COD, and perishable, will not be returned until box is declared vacant.

(b) *Registered, insured, COD, and certified mail.* (1) Registered mail is held up to 60 days if the sender so requests by endorsement on the mail. If the sender names no specific period, the mail will be held for 10 days before return. Exception: If the postmaster believes he will be able to make delivery if the mail is held longer than 10 days, it may be held up to 60 days if written permission is obtained from the sender. (See also § 48.2(g)(1).)

(2) Insured and certified mail is held a maximum of 15 days. It is held a lesser number of days if the sender so specifies. If no retention period is specified on refused insured mail, it will be returned immediately. (See also § 48.2 (g) (1).)

(3) COD mail is held a maximum of 30 days. It is held a lesser number of days if the sender so specifies. COD mail not bearing specific instructions will be returned immediately when:

(i) Addressee is not found.

(ii) Address does not exist.

(iii) Addressee is deceased and delivery cannot be made to an authorized person.

(c) *Special delivery and special handling mail.* Special delivery and special handling articles are held for the period specified in paragraph (a) or (b) of this section except that requests for immediate return of special delivery mail will be honored.

§ 48.6 Disposal of undeliverable mail.

Mail undeliverable at the last office of address is disposed of as follows:

(a) Postal and post cards, or samples of merchandise are destroyed or sold immediately.

(b) Printed matter, including greeting cards and second-class mail, obviously without value is disposed of as waste paper without examination of contents. This mail will not be torn or mutilated except when necessary to prevent improper use.

(c) Domestic, ordinary, insured, or COD articles bearing sender's instructions to abandon are disposed of immediately after expiration of the periods stated in § 48.5.

(d) Third-class mail of no obvious value and bearing no pledge to pay return postage is disposed of as waste.

(e) Insured and COD articles, bearing senders' instructions to destroy will be destroyed.

(f) Packages containing medicine, perishable articles, liquids, or articles likely to injure other mail or to attract pests are destroyed as soon as they are known to be undeliverable.

(g) Letters from Canada or Mexico with return addresses are returned to the postmaster at the post office of origin.

(h) Mail addressed to a deceased person is delivered to the executor or administrator of the estate or if there is no executor or administrator, to the widow or widower or other claimants, except that U. S. Government pension mail is returned to the mailing Federal agency.

(i) Unclaimed franked mail from a Member of Congress and unclaimed official mail including official reports and bulletins sent by State agricultural colleges and experiment stations is returned to the postmaster at the office of origin if it is known. If office of origin is not known, the mail is sent to the post office at Washington, D. C. Undeliverable mail bearing return card of the White House, the Senate, or the House of Representatives, with or without postage stamps, is returned to the post office at Washington, D. C.

(j) Santa Claus letters, with postage fully prepaid (or local unpaid or partly paid), with no identification of person for whom they are intended, are sent to institutions or persons who may request them to use for exclusively philanthropic purposes. If there is no voluntary request, they are sent to the dead-mail office.

(k) Other mail, including first-class and airmail, bearing no return address is sent to a dead letter or dead parcel post branch for final disposition.

§ 48.7 Directory service.

Directory service is not generally available, but at carrier offices where a directory is available, directory service is given to registered, certified insured, COD, special delivery, and special handling mail; to perishable matter and parcels of obvious value; and to international mail, except circulars. Incorrectly or incompletely addressed mail from overseas Armed Forces is given directory service and is not returned to the sender until every effort is made to deliver it.

§ 48.8 **Dead mail.**

(a) *Definition.* Dead mail is matter deposited in the mails which is or becomes undeliverable, or is unmailable, and which cannot be returned to the sender.

(b) *Treatment*—(1) *At last office of address.* At the end of retention periods specified in § 48.5 mail is declared dead and is disposed of locally or forwarded to dead letter or dead parcel post branches for final disposition.

(2) *At dead mail office.* (i) Mail is examined and opened when necessary to find the name and address of the sender or addressee.

(ii) A fee of 10 cents is charged for return to sender of each letter and first class parcel opened in the dead mail office.

(iii) If the sender or addressee cannot be identified, the following retention periods are observed:

(*a*) Letters of domestic origin with enclosures of value, 1 year.

(*b*) Other letters, none.

(*c*) Letters containing merchandise, and third- and fourth-class mail containing valuables (including first-class mail not in the form of a letter, addressed to another country), 60 days: if posted in violation of law or treaty, 6 months.

(iv) Dead mail that cannot be delivered to addressee or sender is destroyed or sold.

PART 49—STAR ROUTE COLLECTION AND DELIVERY SERVICE

CROSS REFERENCE: See Part 94—Highway Transportation, and Part 96—Air Transportation, for contract requirements and obligation under Star Routes.

Sec.
49.1 Description.
49.2 Establishment.
49.3 Box delivery and collection service.
49.4 Location of boxes and receptacles.

AUTHORITY: §§ 49.1 to 49.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6009, 6101, 6105, 6106, 6401, 6402, 6415.

§ 49.1 **Description.**

Star route service provides for the transportation of mail between post offices or other designated points where mail is received or dispatched. Box delivery, collection service, and other mail service are also performed on a majority of routes. Every star route carrier will receive any mail matter presented to him, if properly prepaid by stamps, and deliver it for mailing at the next post office at which he arrives.

§ 49.2 **Establishment.**

(a) *New service.* Contracts for regular service are awarded after public advertisements, as provided by law. Temporary service may be established on short notice without advertising. Address requests or petitions for new routes to the distribution and traffic manager having supervision over the transportation of mail in the area involved.

(b) *Changes and extensions.* Changes in line of travel, and extensions of service may be ordered by the distribution and traffic manager at any time. Address requests for changes and extensions to this official.

(c) *Changes in schedules.* Changes in schedules may be ordered by the distribution and traffic manager at any time. Address requests for changes to this official.

§ 49.3 **Box delivery and collection service.**

(a) *Services required.* Star route advertisements and contract state whether box delivery, collection service, or other mail services are required and specify the area to be served. In addition to usual box delivery and collection service, on some routes the carriers are required to:

(1) Sell stamp supplies.

(2) Deliver registered, insured, certified and COD matter.

(3) Accept matter presented by patrons to be registered, insured, certified, or mailed COD, and money with applications for money orders and give receipts.

(b) *Availability.* All box delivery and collection service is provided without charge to the patron. To qualify for service a patron must:

(1) Reside on or near a route on which box delivery and collection service is required.

(2) Live at least one-fourth mile from a post office.

(3) Provide and erect a suitable box or provide a suitable sack or satchel with post upon which it may be hung. On and after July 1, 1959, where a box is newly installed or a present box is being replaced, an approved rural-type box must be used. The name and box number of the owner must be neatly inscribed in letters and numerals not less than one inch high on the side of the box visible to the carrier as he approaches, or on the door if boxes are grouped. (See § 46.5 of this chapter.)

(4) Request from the post office to which mail is addressed, delivery and collection service. Star route patrons residing between two post offices may receive mail service from that post office which is the one next preceding the patron's residence, or from either post office if there is a return trip. In addition, the patron may receive delivery from the post office from which the star route originates.

(5) Advise carrier of signal to be used to indicate that mail is to be collected.

(6) Meet carrier to get receipts for money order, insured, certified, and COD mail, where those services are provided.

(c) *Delivery of mail.* Mail matter addressed to a qualified patron of a star route will be taken by the carrier from the post office and deposited into the proper mail box, at the risk of the addressee. Registered, insured, certified, and COD mail will not be delivered unless expressly requested in writing by the patron. When such request is made, the carrier is considered as the representative of the addressee and the responsibility of the Postal Service ceases when delivery has been made to the carrier and his signature has been obtained. COD mail will not be delivered to a carrier until the amount due is paid. Parcel post packages too large to go into mail boxes may be delivered outside of boxes, provided the addressee has filed with the postmaster a written request for delivery in that manner. Otherwise, notice will be left in patron's box to meet carrier on next trip. If proper delivery cannot be made by carrier, the mail will be held at the post office as described in Part 48 of this chapter.

(d) *Collection of mail.* Mail matter properly stamped and placed in a mail box for dispatch must be collected by the carrier and deposited in the next post office at which the carrier arrives. Mail collected on the route, addressed for delivery on that part of the route still to be covered before reaching the next post office, will be delivered on the day of collection. The carrier will cancel the stamps before delivery by writing across them the name of the post office last served, the State, the date, and the number of the route. Bulky mailable matter, properly prepared and stamped, will be collected by the carrier if placed on or near the mail box. Money left in mail boxes for the purchase of stamps will be at the risk of the patron.

§ 49.4 **Location of boxes and receptacles.**

Mail boxes and approved sacks or satchels must be placed where they protect the mail and may be conveniently served by the carrier without leaving his vehicle. They must be located on the right side of the road in the direction of travel when required by traffic conditions or when driving to the left in order to reach the boxes would constitute a violation of traffic laws by the carrier. In such cases, patrons desiring service on both outward and return trips of carrier must furnish a box, sack, or satchel on each side of the road.

SUBCHAPTER F—SPECIAL MAIL SERVICES

PART 51—REGISTRY

Sec.
51.1 Why mail is registered.
51.2 Fees and liability.
51.3 Registration.
51.4 Declaration by sender.
51.5 Additional services and refunds.
51.6 Registration without prepayment.
51.7 Preparation for mailing.
51.8 Withdrawal or recall.
51.9 Delivery.

AUTHORITY: §§ 51.1 through 51.9 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5001–5006, 5009–5012.

§ 51.1 **Why mail is registered.**

Added protection for valuable and important mail and evidence of mailing and delivery may be obtained by having it registered.

§ 51.2 Fees and liability.

(a) *Fees.*

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
$0.00 to $10.00	$0.60	$0.60
$10.01 to $100	.75	.75
$100.01 to $200	1.00	1.00
$200.01 to $400	1.25	1.25
$400.01 to $600	1.50	1.50
$600.01 to $800	1.75	1.75
$800.01 to $1,000	2.00	2.00
$1,000.01 to $2,000	2.25	
$2,000.01 to $3,000	2.50	
$3,000.01 to $4,000	2.75	
$4,000.01 to $5,000	3.00	
$5,000.01 to $6,000	3.25	
$6,000.01 to $7,000	3.50	
$7,000.01 to $8,000	3.75	$2.00 plus handling charge of 15¢ per $1,000 or fraction over first $1,000.
$8,000.01 to $9,000	4.00	
$9,000.01 to $10,000	4.25	
$10,000.01 to $1,000,000	$4.25 plus handling charge of 15¢ per $1,000 or fraction over first $10,000.	
$1,000,000.01 to $15,000,000	$152.75 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.	$151.85 plus handling charge of 10¢ per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on considerations of weight, space, and value.	

ADDITIONAL SERVICES

	Extra fee (cents)
C.O.D. (maximum amount collectible is $200)	40
Restricted delivery	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10
Showing to whom, when, and address where delivered	35
Requested after mailing:	
Showing to whom and when delivered	25

(b) *Postal insurance liability—(1) Without other insurance.* Postal insurance covers the value up to the maximum of $10,000.

(2) *With other insurance.* Postal insurance liability is limited to a maximum of $1,000. Whenever postal insurance and other insurance both apply to the first $1,000 of value or any part thereof, postal liability is assumed on a co-insurance basis and prorated in accordance with the formula shown in Part 54 of this chapter.

§ 51.3 Registration.

(a) *What may be registered.* All mailable matter prepaid with postage at the first class or airmail rates may be registered.

(b) *Where to mail.* Registration may be obtained by presenting mail to:

(1) *Post offices and their branches and stations.* Postmasters will accept mail of unusually high value only at the main office or the larger branches and stations.

(2) *Rural carriers.* Mail and cash may be left in a rural box, and the change, if any, will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip. No responsibility is assumed for articles or money until a receipt is issued, or for any change placed in the box.

(c) *Registration not available.* Mail may not be registered if:

(1) Placed in street letter boxes or in mail drops in post offices.

(2) Addressed to post offices to which it cannot be transported with safety.

(3) Not properly prepared. See § 51.7.

(4) Two or more articles are tied or fastened together, unless enclosed in the same envelope or wrapper.

§ 51.4 Declaration by sender.

(a) *Value.* The sender is required by law to tell the postal clerk or to enter on the firm mailing bill if a firm mailer, the *full* value of mail matter presented for registration. The fact that private insurance may be carried on registered mail does not modify the requirement for declaring the value as defined below:

Kind of Mail Matter	*Value to be declared*
Negotiable instruments: Instruments payable to bearer, and matured interest coupons.	Market value.
Nonnegotiable instruments: All registered bonds, warehouse receipts, checks, drafts, deeds, wills, abstracts, and similar documents. Certificates of stock, including those endorsed in blank, are considered nonnegotiable so far as declaration of value is concerned.	No value or replacement cost if postal insurance coverage is desired.
Money	Full value.
Jewelry, gems, precious metals	Market value or cost.
Merchandise	Market value or cost.

(b) *Fragile mail.* The sender is required to tell the postal clerk whether the mail is fragile and to describe how it is packed if requested to do so.

(c) *Official mail.* Government agencies or officials must declare the value of the matter presented, so that it may be given proper care.

(d) *Free registration.* A declaration of value is not required on mail registered free under the provisions of § 51.6 (d) and (e). No indemnity will be paid for any matter registered free.

(e) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 60-cent fee or any of the higher fees.

§ 51.5 Additional services and refunds.

(a) *COD service.* A combined registry and COD service is available. The regular registered mail fees apply plus a collection charge of 40 cents. The mail must conform with other registered mail requirements and also with Part 53 of this chapter, governing preparation for COD service.

(b) *Return receipts.* The sender may obtain return receipts by paying fees, in addition to the registration fee and postage, under the following conditions;

(1) At the time of mailing by informing the postal clerk or by writing on the mail Return Receipt Requested or Return Receipt Requested Showing Address Where Delivered.

(2) After mailing by request and showing registration receipt at the post office where the registered article was mailed. The return receipt will not show the address where delivery was made.

(3) Return by air. The sender may obtain a return receipt by airmail if postage stamps to cover the postal card airmail rate are fixed to the return receipt and it is endorsed Return by Airmail.

(c) *Restricted delivery.* The sender may at the time of mailing direct that the registered article be delivered only to the addressee or to someone named by him in writing. This service is available only for articles addressed to specific individuals by name. An additional fee is required. The mail will be endorsed Deliver to Addressee Only or Deliver to Addressee or Order. After mailing and before delivery, the sender may direct such action by written order through the mailing postmaster. See also § 51.9(g).

(d) *Refunds.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or to give restricted delivery was the fault of the Postal Service. Receipts for fees must be submitted with requests for refunds.

§ 51.6 Registration without prepayment.

(a) *Official Government mail.* Official mail of government agencies that periodically reimburse the Post Office Department for handling their mail, or that pay for mail services on a negotiated basis, may be registered without stamps affixed. See § 27.2(c) of this chapter.

(b) *Census mail.* All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed "Official Business, Census Office" may be sent by registered mail without payment of a registration fee.

(c) *Naturalization mail.* All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed Official Business.

(d) *Diplomatic mail.* Members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain who are stationed in the United States may send correspondence by registered mail without payment of the registration fee. See § 27.5(a) of this chapter for preparation of such mail.

(e) *Consular mail.* Official correspondence may be sent by registered mail between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and by

such consulates to the Government of the United States or to their respective embassies or legations without payment of the registration fee. See § 27.5(b) of this chapter for preparation of such mail.

(f) *Currency for redemption.* Currency sent to the Treasurer of the United States, Washington, D.C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be sent by registered mail without payment of registration fee, under the following conditions:

(1) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency, the serial number, series date, and denomination must be given. Coin need be described only by number and denomination of pieces.

(2) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(3) The list must be left with the postmaster.

(4) No liability is assumed by the Postal Service. If coverage is desired, the regular registration fees must be paid for liability.

(g) *Civil Service mail.* Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D.C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

(h) *Postal Service mail.* Official mail of the Postal Service which requires registration may be registered without payment of a fee.

§ 51.7 Preparation for mailing.

(a) *Conditions.* Postal employees are not permitted to assist in the preparation or sealing of mail to be registered. The mail must bear the complete names and addresses of both sender and addressee. Envelopes or packages that appear to have been opened and resealed, or which are otherwise improperly prepared, will not be registered.

(b) *Sealing.* The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue.

(c) *Registered COD.* Registered mail to be sent COD must conform to the conditions in Part 53 of this chapter also.

(d) *Window envelopes.* Envelopes must have panels covering the opening. If transparent panels are glued to the envelopes, they may contain only matter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(e) *Firm registration books.* If an average of three or more articles are presented for registration at one time, the sender may obtain free from the postmaster firm registration books, Form 3877 (Firm mailing book for registered, registered COD, and certified mail (20 entry)), which are to be used in accordance with instructions that will be given by the postmaster. These instructions will require that the mail be endorsed and numbered from a series of registration numbers that will be assigned by the postmaster, and that the sender also enter the particulars of the items on the firm bills in duplicate. One copy of the bill will be retained by the post office and the other will be receipted and returned to the sender.

(f) *Return receipts and restricted delivery.* Firm mailers, are expected to complete and attach the return receipt card, Form 3811, Return receipt registered, insured and certified mail, to the mail, and to endorse the address side of the mail to show the required official endorsement. See § 51.5 (b) and (c). If the mail is to be restricted in delivery, the words "Deliver to Addressee Only" should be shown in space 2 on the receipt side of the return receipt card.

(g) *Mailing receipts.* A receipt will be issued when mail is accepted for registration. For individual transactions, the receipt is prepared by the postal employee. When firm registration forms are used, the receipt will be postmarked and issued after the entries have been checked against the mail. A temporary receipt showing only the total number of articles may be issued when a large number of articles are mailed. The permanent descriptive receipt will be issued as soon as possible after verification.

§ 51.8 Withdrawal or recall.

The sender may withdraw or recall registered mail without charge before its delivery under the following conditions:

(a) Before dispatch by writing on the receipt Withdrawn before dispatch, and signing and surrendering the receipt.

(b) After dispatch by filing at the post office where the article was mailed a written request for its return, giving names and addresses of sender and addressee, the registry number, and date of mailing. Costs of telegrams must be paid by the sender.

§ 51.9 Delivery.

(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. The addressee or person representing him may obtain the name and address of the sender, and may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee.

(b) *Recipient.* Delivery will be made in accordance with Part 44 of this chapter. Registered mail addressed to residents of a hotel or apartment house will be delivered only to persons designated by the management of a hotel or apartment house in an agreement with the Postal Service.

(c) *When not delivered.* The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

(d) *Notice of arrival.* If the carrier is unable to deliver registered mail, he will leave a notice. If the mail is not delivered by carrier, a notice of arrival will be issued through regular mail channels. If the mail is not delivered or called for within 5 days a second notice will be issued, provided the maximum period for which the mail may be held permits. No second attempt to deliver will be made unless the post office is requested to do so.

(e) *Rural delivery.* Rural carriers will deliver registered mail to the residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in the box so that the addressee may either meet him at the box on his next trip or call at the post office for the mail.

(f) *Star-route delivery.* Star-route carriers may deliver registered mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier is then considered the representative of the addressee, and the responsibility of the Postal Service ends at the time of delivery to the carrier.

(g) *Restricted delivery.* The fee for this service must be paid at the time of mailing. The mail must be conspicuously endorsed "Deliver to Addressee Only" or "Deliver to Addressee or Order." The endorsement, if not placed by the mailer, will be entered by the employee accepting the mail. Restricted delivery service is subject to the following rules:

(1) Mail marked "Deliver to Addressee Only" will be delivered only to the addressee, except as provided in subparagraph (4) of this paragraph.

(2) Mail marked "Deliver to Addressee or Order" may be delivered either to the addressee or to the person he authorizes in writing to receive his mail.

(3) When the mail is addressed jointly to two or more persons, the addressees will be notified to be present to accept delivery together, and the delivery receipt obtained, and the return receipt, if any, must be signed by all of the addressees. The registered article then may be delivered to any of the addressees unless the others object, in which case delivery will not be made until all of the addressees sign a statement designating the one to receive the mail.

(4) When the registered mail is addressed to officials of executive agencies, or members of the legislative and judicial branches of the Government of the United States, or of the States and possessions, or to members of the diplomatic corps, delivery may be made either to the addressee or to the person he authorizes to receive his mail.

(h) *Bad condition.* If the addressee accepts a registered article that has been

repaired with sealing stamps or reenclosed in a new envelope or wrapper, it must be opened in the presence of the delivering employee. If anything is missing, the envelope or wrapper must be given to the employee after it has been endorsed to show what was missing.

PART 52—INSURANCE

Sec.
52.1 Description.
52.2 Fees.
52.3 Mailing.
52.4 Special services.
52.5 Delivery.

AUTHORITY: §§ 52.1 to 52.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5006, 5011, 5012.

§ 52.1 Description

(a) *Purpose.* The sender may obtain payment for loss of, rifling of, or damage to domestic mail by having it insured.

(b) *Classes of mail to which applicable.* Only third- and fourth-class mail or airmail which contains third- or fourth-class matter may be insured. Insured airmail may contain incidental first-class enclosures. The mail must bear the complete names and addresses of sender and addressee. The following are not acceptable for insurance.

(1) Parcels containing matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mail, payment will not be made for loss, rifling, or damage.

(2) Nonmailable matter.

(3) Articles that are so fragile as to prevent their safe carriage in the mail regardless of packaging.

(4) Articles not adequately packed to withstand normal handling in the mail.

§ 52.2 Fees.

(a) *Fees (in addition to postage).*

Liability:	Fee
$0.01 to $10	$0.10
$10.01 to $50	.20
$50.01 to $100	.30
$100.01 to $200	.40

Liability for insured mail is limited to $200.

(b) *Restricted delivery.*

(Not available for mail insured for $10 or less)	$0.50

(c) *Return receipts.*

(Not available for mail insured for $10 or less)	
(1) Requested at time of mailing:	
Showing to whom and when delivered	10¢
Showing to whom, when, and address where delivered	35¢
(2) Requested after mailing:	
Showing to whom and when delivered	25¢

§ 52.3 Mailing.

(a) *Payment of fees and postage.* Insurance fees must be paid in addition to the regular postage. The mailer guarantees to pay return and forwarding postage unless he writes instructions on the wrapper or envelope not to forward or return the mail.

(b) *Where to mail.* Mailers must mail parcels that they insure at a post office, branch, or station, or give them to a rural carrier. They must not be deposited in mail drops at post offices, nor in or on street mailboxes. They must not be left on, but may be placed in, rural mailboxes.

(c) *Individual receipts for mailing.* Mailers are issued a receipt for each insured parcel mailed. The post office keeps no record of the mailing of insured packages. Mailers must enter the name and address of addressee on the receipt and retain it. Mailers must submit the receipt if they file an application for payment of insurance or if they file an inquiry concerning the parcel.

(d) *Firm mailing books.* Mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be insured. The sheets of these books become the sender's receipts. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) Parcels to be insured for $10 or less are not to be numbered and should be listed on separate sheets or grouped together. Prepare on copy only.

(2) For parcels to be insured for more than $10, the postmaster will assign a series of numbers. The mailer must number the articles and the items in the book to correspond.

(3) The parcels must be conspicuously endorsed with the stamped or printed official insurance endorsement.

(e) *Temporary receipts.* A temporary receipt showing only the total number of parcels accepted may be issued when a large number of articles are mailed. The permanent receipt will be issued as soon as possible.

(f) *Mailing on rural routes.* Mailers may give the mail to the rural carriers; or they may leave the mail in rural mailboxes, provided stamps are fixed for postage and fee, or money for postage and fee is left in the box. Mailers must leave a note stating the amount of insurance desired. The Postal Service assumes no responsibility for articles or money left in rural mailboxes until the articles are receipted for by the carrier.

§ 52.4 Special services.

(a) *Restricted delivery service.* Mailers may at the time of mailing direct that a parcel insured for over $10 be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed: "Deliver to Addressee Only or Deliver to Addressee or Order."

(b) *Return receipt.* Mailers may request a return receipt for a parcel insured for more than $10. Request at the time of mailing may be made either to the postal employee or by endorsement on the mail reading "Return Receipt Requested," or "Return Receipt Requested Showing Address Where Delivered." Request after mailing must be made at the post office where the insured parcel was mailed. The insurance receipt must be shown and the prescribed additional fee for this service paid. When the request is made after mailing, the return receipt will not show the address where delivery was made.

§ 52.5 Delivery.

(a) *At letter carrier offices.* (1) Insured mail is held for the period specified in the sender's return card, but not in excess of 15 consecutive days. If no return period is specified, the mail is held for 15 days. The retention period of 15 days applies also to offices to which the mail may be forwarded.

(2) Insured parcels will be delivered to the addressee's home once, or if he receives his mail in a post office box or through general delivery, he will be furnished a notice of the arrival of the parcel. If the parcel is undelivered after five days, a second notice will be sent. If addressee does not accept the parcel when it is delivered, it will be returned to the post office and held for the length of time directed by the sender, but never more than 15 days. The addressee may go to the post office and obtain the parcel or he may request that it be delivered to his home again. The mailer may also request that it be delivered again.

(3) A request that a second attempt be made by a carrier to deliver an insured parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be delivered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(4) When delivery of an insured parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(b) *At offices not having carrier delivery service.* The addressee is notified when an insured parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box. A second notice is issued if the article is undelivered after 5 days.

(c) *On star routes affording delivery service.* (1) Parcels insured for not over $10 will be delivered by the carrier without a written order of the addressee.

(2) Parcels insured for more than $10 are not delivered by star route carrier unless the addressee so requests in a written order filed with the postmaster. When this order is given, the carrier is regarded as the representative of the addressee and the responsibility of the Postal Service ends when delivery has been made to the carrier.

(d) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from insured mail while it is in the possession of the postal employee. Examination of the contents may be made only after delivery has been made.

(e) *Type of delivery service.* Receipts are not obtained for the delivery of parcels insured for $10 or less. Parcels insured for over $10 are delivered in accordance with the regulations for the delivery of registered mail (see § 51.7 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

PART 53—COD

Sec.
53.1 Fees (in addition to postage).
53.2 Description.
53.3 Mailing.
53.4 Special services.
53.5 Delivery.
53.6 Registered COD mail.

AUTHORITY: §§ 53.1 through 53.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5007–5012.

§ 53.1 Fees (in addition to postage).

Amount to be collected or insurance coverage desired:	COD fees
$0.01 to $5	$0.40
$5.01 to $10	.50
$10.01 to $25	.70
$25.01 to $50	.80
$50.01 to $100	.90
$100.01 to $200	1.00
Restricted delivery	.50
Notice of nondelivery	.05
Alteration of charges or delivery	.10

§ 53.2 Description.

(a) *Purpose.* Patrons may mail an article for which they have not been paid and have the price and the cost of the postage collected from the addressee when the article is delivered. This is collect-on-delivery service, which is usually called COD service. The amount collected is returned to the mailer by a postal money order. The fees for COD service include insurance against loss, rifling, or damage to the article and failure to receive the amount collected from the addressee.

(b) *Mail which may be sent COD.* First-, third-, and fourth-class matter may be sent as COD mail. See § 51.4 of this chapter for registered COD fees.

(c) *Conditions.* (1) The mail must bear the complete names and addresses of sender and addressee.

(2) The largest amount that will be collected from the addressee is $200.

(3) The amount to be collected or the amount of insurance coverage desired, whichever is higher, determines the COD fee.

(4) The sender guarantees to pay any return and forwarding postage unless otherwise specified on the mail.

(d) *Prohibitions.* The COD service cannot be used for:

(1) Sending articles to addressees who have not ordered them or agreed to accept them.

(2) Collection agency purposes.

(3) Return of merchandise about which some dissatisfaction has arisen, unless the new addressee has consented in advance to such return.

(4) Sending only bills or statements of indebtedness even though the sender may establish that the addressee has agreed to the collection in this manner. However, when a legitimate COD shipment consisting of merchandise, bill of lading, etc., is being mailed, the balance due on a past or anticipated transaction may be included in the charges on a COD article, provided the addressee has consented in advance to such action.

(5) Parcels containing moving-picture films mailed by exhibitors to moving picture manufacturers, distributors, or exchanges. Such parcels may be sent as insured mail, or, if sealed, by first-class registered mail.

(e) *Restrictions on COD service to military installations.* COD service is not available for articles having an APO or FPO designation as part of the address. This restriction applies also to official shipments and shipments to Armed Forces agencies.

(f) *Service with U.S. Possessions and Territories.* There is no COD service with the Canal Zone, Canton Island, Caroline Islands, Mariana Islands, or Marshall Islands or to Samoa. However, COD articles may be mailed from Pago Pago, Samoa.

§ 53.3 Mailing.

(a) *Payment of fees and postage.* Fees and postage must be prepaid. If the mailer includes in the charges to be remitted the postage and fee prepaid, the COD fee will be based on the total COD charges, which include the postage and fee.

(b) *Where to mail.* COD parcels must be mailed at a post office, branch, or station or through a rural carrier. They may not be placed in mail drops at post offices, nor in or on street mail boxes. They may not be left on, but may be placed in, rural mail boxes. (See also paragraph (h) of this section regarding mailing COD matter on rural routes.)

(c) *Individual receipts for mailing.* A receipt is issued for each COD parcel mailed.

(d) *Firm mailing books, COD tags, and address labels.* Firm mailing books, Form 3877–A, are furnished without charge to patrons who mail an average of three or more parcels at one time. Spaces are provided for entering the description of parcels to be sent COD. The sheets of these books become the senders' receipts and the post office records. The books must be presented with the parcels to be mailed. Following are instructions for their use:

(1) The postmaster will assign a series of numbers. The mailer must number the articles and the items to correspond. Entries must be made in duplicate with carbon paper.

(2) A COD tag must be securely fixed by the sender to each COD article, showing article number, names and addresses of sender and addressee, amount due sender, and amount of money order fee necessary to make remittance. The necessary particulars must be filled in by sender. Stock tags are furnished by the post office without charge. There are three types of tags eyeletted for tying to parcels, and one uneyeletted type for attaching by gummed tape. Specially printed COD tags approved by the Postal Service are also used. The eyeletted tag, form 3816, composed of delivery office portion, delivering employee's coupon, mailing office record and the sender's receipt, is intended for use by patrons mailing less than three articles at one time.

(3) The particulars required on the tag must be filled in by the sender with ink, indelible pencil (not ordinary lead pencil), or typewriter. The Postal Service is not responsible for errors by senders in stating charges to be collected.

(4) When COD remittance is to be sent to someone other than the actual mailer, the name and address of the person to whom the money is to be sent must appear in the proper spaces on the address side of the COD tag. The name and address of the actual mailer must be placed on the back of the delivery office portion of the tag. The name and address of the person to whom the money is to be paid must be shown as sender on the COD parcel itself, together with directions as to return, if undeliverable.

(5) The package must bear the complete names and addresses of the sender and addressee, and the COD endorsement showing the amount due the sender and the money order fee necessary to make the remittance.

(6) When COD parcels are addressed to distant points or to overseas domestic destinations, the mailer may, if he desires to expedite remittance, attach an addressed, prepaid airmail reply envelope to the back of the COD tag at time of mailing.

(e) *Nursery stock shipments.* Firms mailing nursery stock may print special COD tags bearing instructions as to disposition of shipments that are not immediately delivered. These tags must contain a coupon that will be returned with the money order. The following rules apply:

(1) If the sender does not desire to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery-office portion of the COD tag (1), and the sender's coupon (2), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, or is destroyed after 30 days, check disposition and send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.
☐ Destroyed after 30 days.

(2) If sender desires to have the parcel, if undeliverable, disposed of to the highest bidder, the sender's instructions on the back of the delivery office portion of the COD tag (1), and on the sender's coupon (2), should read:

(i) If addressee refuses to pay charges for any reason, deliver at once without collecting the charges. Notify sender at once if parcel is not delivered, and if no reply is received in 30 days, sell to highest bidder and remit proceeds less commission. If sale cannot be made destroy parcel. See sender's coupon for further instructions.

(ii) Return this coupon with money order. If parcel is delivered without collection of charges, is destroyed after 30 days, or is sold, check disposition and

send coupon to sender in penalty envelope.

☐ Delivered to addressee without collecting charges.
☐ Destroyed after 30 days.
☐ Sold for $_____. Remittance, less commission, herewith.

(f) *Multiple mailing forms.* Specially designed and privately printed multiple mailing forms are found by many mailers to be advantageous. They provide in one operation, by carbon or spot carbon process, address labels, firm mailing and post office records, and COD tags or labels to be stuck on stock COD tags. Specially designed recapitulation sheets are used for receipting purposes. Mailers desiring to use multiple forms should consult printers specializing in business forms, and submit specimen proofs to their local postmasters before printing.

(g) *Temporary receipts.* When, at the discretion of the postmaster, the number of articles presented for COD at one time warrants, a temporary receipt showing only the total number of parcels accepted may be issued. The permanent receipt will be issued as soon as possible.

(h) *Mailing on rural routes.* Patrons may present mail to rural carriers for COD service. For COD mail the sender must fill in a COD tag with ink, indelible pencil (not ordinary lead pencil), or typewriter. Patrons may leave mail in rural mail boxes for COD service provided sufficient stamps are fixed for postage and fee, or money for postage and fee is left in the box. If indemnity coverage for more than the COD charges is desired, a note should be left so stating. The Postal Service assumes no responsibility for articles or money left in rural mail boxes until the articles are receipted for.

§ 53.4 Special services.

(a) *Restricted delivery service.* Patrons may, at the time of mailing, direct that a COD parcel be delivered only to the addressee or to someone named by him in writing. The mail will be endorsed "Deliver to Addressee Only or Deliver to Addressee or Order."

(b) *Alteration or cancellation of COD charges or delivery.* Alteration or cancellation of COD charges or delivery to another addressee may be directed by the sender on payment of the prescribed additional fee. The request must be made at office of mailing on Form 3818, "Authorization to Cancel or Change Charges on a COD Article." Such change may be directed by telegram, the telegram being authorized and paid for by the sender but sent in the name of the postmaster.

§ 53.5 Delivery.

(a) *At letter carrier offices.* (1) A COD parcel will be tendered to the addressee at his home, or if he receives his mail in a post office box or through general delivery, he will be furnished a notice of the arrival of the parcel. If the parcel is undelivered after 5 days, a second notice will be sent to him. If the addressee does not accept the parcel when it is tendered, it will be returned to the post office and held for the length of time directed by the sender, but never more than 30 days. The addressee may go to the post office and obtain the parcel or he may request that it be delivered to his home. The mailer may also request that it be delivered again.

(2) A request that a second attempt be made by a carrier to deliver a COD parcel that was refused the first time must be accompanied by postage at the local rate. A parcel that was not refused will be tendered a second time only if the addressee gives assurance that it will be accepted; and no extra postage will be charged. A request by the sender for renewed delivery service must be accompanied by postage at the local rate.

(3) When delivery of a COD parcel has been attempted twice by carrier, postage at the local rate must be paid for each additional attempt.

(4) No local rate of postage is charged for renewed attempts to deliver COD mail prepaid at the letter rate of postage.

(5) The addressee must have the amount of the COD charges, as the carrier is not furnished change.

(b) *At offices not having carrier delivery service.* The addressee will be notified when a COD parcel is on hand for delivery. The notice is placed in the general delivery or in a post office box. A second notice is issued if the article is undelivered after 5 days.

(c) *On star routes affording delivery services.* COD mail will not be delivered by star route carrier unless the addressee so requests in a written order filed with the postmaster. When the order is given, the carrier is regarded as the addressee's representative, and the responsibility of the Postal Service ends when delivery has been made to the carrier. Delivery of COD mail is not made to a star route carrier until the COD charges are paid.

(d) *Type of delivery service.* COD parcels are delivered in accordance with the regulations for delivery of registered mail (see Part 51 of this chapter), except that when delivery has not been restricted, mail addressed to a person at a hotel, apartment house, or the like, may be delivered to any person in a supervisory or clerical capacity to whom the mail is customarily delivered. Delivery receipts are obtained by the delivering carrier.

(e) *Examination of mail.* The addressee or his representative may read and copy the name and address of the mailer from COD mail while it is in the possession of the postal employee. Examination of the contents may be made only after the COD charges have been paid and delivery has been made.

§ 53.6 Registered COD mail.

Sealed domestic mail of any class bearing postage at the first-class rate may be sent as registered COD mail. Such mail is handled the same as other registered mail. The maximum amount of charges collectible on a parcel is $200, but additional indemnity may be obtained over $200 up to the regular registry limit of $1,000 by payment of a higher fee. Registered COD mail is subject to surcharges applicable to other registered mail, except that the basis of the surcharge is the amount by which the declared actual value of the article exceeds the limit of liability covered by the fee paid. If envelopes are used as covers, they must not be smaller than 4 x 7¾ inches.

PART 54—PAYMENT FOR LOSSES

Sec.
54.1 Payment conditions.
54.2 Payable claims.
54.3 Nonpayable claims.
54.4 How to request payment.
54.5 Articles recovered after payment.

AUTHORITY: §§ 54.1 to 54.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 2409, 5001, 5005–5007.

§ 54.1 Payment conditions.

(a) If through error by the Postal Service, a fee less than that required to cover the amount of insurance desired was charged the sender may pay the deficiency in fee and postal insurance may be paid within the limit fixed for the higher fee.

(b) If commercial insurance is carried on a registered, insured, or COD article, the total amount of insurance to be received will be prorated between the Postal Service and the insurance company. The following formula is used:

$$\frac{\text{Maximum postal insurance for fee paid}}{\text{Maximum postal insurance for fee paid} + \text{Total private insurance}} \times \text{Actual value or cost of repairs} = \text{Postal liability}$$

(c) If the insured or COD article was lost or the entire contents totally damaged, the payment check will include an additional amount for postage (not fee) paid by the sender.

(d) If both sender and addressee claim insurance, they should decide between themselves which should receive payment. If no agreement is reached, payment may be made to the sender as the person with whom the Government's contract of insurance was made.

(e) When the sender is incompetent or deceased, payment will ordinarily be made to the legal representative, if any. If there is no legal representative, payment may be made to such relative or representative of the sender as may be entitled to receive the amount due, in accordance with applicable State laws.

§ 54.2 Payable claims.

Postal insurance within the amount covered by the fee paid is payable for:

(a) The actual value of lost articles.

(b) The cost of repairing a damaged article or the cost of replacing a totally damaged article, not exceeding the actual value of the article. When unusual conditions exist, payment may be made, at the discretion of the Postal Service, for the full value of a partially damaged article. The article then becomes United States property and must be surrendered to the postmaster.

(c) The amount collected for a COD article that is not received by the sender.

(d) Death of baby poultry due to physical damage to the package or delay for which the Postal Service is responsible. In the absence of definite evidence showing responsibility for death of baby poultry, the Postal Service will be presumed to be at fault if 10 percent or more of the chicks are dead, if delivered within the 60-hour limit, and insurance will be paid for all dead chicks; otherwise the Postal Service will not be presumed to be at fault.

(e) Perishable matter properly prepared for mailing which, due to fault of the Postal Service, is delivered in spoiled or deteriorated condition.

(f) The cost of duplicating valuable papers, or their original cost if they cannot be duplicated. The fee paid to an attorney to obtain duplication of valuable papers and other actual, direct, and necessary expenses may be included.

(g) In all claims involving insured mail, and COD mail delivered to the addressee, any Federal, State, or city sales tax paid on lost or irreparably damaged articles.

(h) Postage (not fee) paid for replacement of damaged articles or for sending damaged articles for repairs.

§ 54.3 Nonpayable claims.

(a) Payment will not be made in excess of the actual value of the article or in excess of the maximum amount covered by the fee paid.

(b) Payment will not be made when:

(1) The article was not rightfully in the mail. This includes COD and insured articles sent to addressees without their consent, for purposes of sale.

(2) Requests are filed more than 1 year from the date the article was mailed, unless established that the delay was not the fault of the claimant.

(3) Evidence of insurance coverage has not been presented.

(4) The sender failed to state at the time of mailing the full value of a registered article, thus depriving the Postal Service of revenue.

(5) The loss, rifling, or damage occurred after proper delivery by the Postal Service, unless the article was reinsured.

(6) There is only a sentimental value.

(7) The loss resulted from delay in delivery of a registered article.

(8) The claim is for some consequential loss rather than for the article itself.

(9) The matter froze, melted, spoiled, or deteriorated due to temperature changes (natural or artificial).

(10) The parcel could not have reached the addressee in good condition in the ordinary course of the mail.

(11) The damage consists of abrasion, scarring, or scraping of suitcases, handbags, and similar containers which were not packed for protection.

(12) Death of baby poultry was due to shipment to points where delivery could not be made within 60 hours from the time of hatch, or to extremes of temperature in the ordinary course of handling.

(13) The death of honeybees and harmless live animals was not due to fault of the Postal Service.

(14) Fragile-type phonograph records are damaged.

§ 54.4 How to request payment.

(a) *Forms.* Use Form 565, "Application for Indemnity for Registered Mail," to request payment for registered mail losses, and Form 3812, "Request for Payment of Postal Insurance (Domestic)," to request payment for insured and COD mail losses. These forms may be obtained from your local postmaster.

(b) *Where to file.* Requests may be filed at any post office, branch, or station. Claims do not have to be filed at the office of mailing or at the office of address.

(c) *Who may file.* Forms 565 and 3812 may be filed by the mailer or by the addressee.

(d) *Waiting period before filing claims.* Claims may not be filed before a reasonable time has been allowed for the addressee to have received the article, taking into account that if the mail could not be delivered immediately on arrival, it may have been held at the post office of address for varying periods before return. These retention periods are governed by the sender's instructions on the article. If no retention period was stated on the mail, the following periods, plus transportation time, must be observed before claim is filed:

(1) Registered mail	10 days.
(2) Insured mail	15 days.
(3) COD mail	30 days.

(e) *Information required with claim—*

(1) *Evidence of insurance.* Evidence that the mail was registered, insured, or sent COD must be submitted with POD Form 3812 or Form 565. This evidence is either:

(i) The receipt issued at the time of mailing an exact copy thereof made by any of the various photographic processes, or a notarized copy of the original; or

(ii) The wrapper or envelope of the article bearing names and addresses of sender and addressee and the endorsement that the mail was sent registered, insured, or COD.

(2) *Statement of value.* The claimant must make a definite statement on Form 3812 showing the actual value of lost or irreparably damaged articles, or the cost of repairing partially damaged articles. Allowance must be made for any depreciation due to age or wear or for repairs needed at time of shipment. Statements of the value of lost or completely damaged articles should be supported by receipted bills or invoices where practicable. In the case of articles which can be repaired, a receipted bill for repairs already made, or an estimate of the cost of repairs obtained from a reliable repairman, must accompany the claim.

§ 54.5 Articles recovered after payment.

When a lost registered, insured or COD article is recovered, the payee may accept the article and reimburse the United States for the full amount paid if the article is undamaged, or such amount as may be determined equitable by the Post Office Department if the article is damaged or has depreciated in value or if the contents are not intact.

PART 55—CERTIFICATES OF MAILING

Sec.

55.1 Purpose.
55.2 Fees.
55.3 Forms.
55.4 Additional certificates after mailing.
55.5 Payment and certification.

AUTHORITY: §§ 55.1 to 55.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 5012.

§ 55.1 Purpose.

Certificates of mailing furnish evidence of mailing only. A receipt is not obtained upon delivery of the mail to the addressee. The fee paid for certificates of mailing does not insure the article against loss or damage.

§ 55.2 Fees.

(a) *Individual pieces.*

Original certificate of mailing for individually listed pieces of all classes of ordinary mail: 5 cents for each piece of mail described.

Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and COD mail: 2 cents for each piece of mail described.

(b) *Identical pieces of first- and third-class mail.*

	Cents
Up to 1,000 pieces (1 certificate for total number)	25
For each additional 1,000 pieces, or fraction	5
Duplicate copy	5

§ 55.3 Forms.

(a) *Who prepares.* (1) Certificates of mailing are prepared by the mailer, except mailers on rural routes. Individual and firm mailing book certificates must show the name and address of both the sender and the addressee, and may show the amount of postage paid. Identifying invoice or order numbers also may be placed on the certificate.

(2) Patrons of rural routes may deliver mail to the rural carrier together with the fee for the certificate. The carrier will obtain the certificate at the post office, attach the stamps, cancel them by postmark, and deliver the certificate to the sender on his next trip.

(b) *Individual certificates.* Form 3817, Certificates of mailing, is used for an individual certificate for ordinary mail of any class. Forms specially printed at the mailer's expense may be used also.

(c) *Firm mailing books.* Firm mailing books, Forms 3877, "Firm Mailing Book for Registered, Registered COD, and Certified Mail," or 3877–A "Firm Mailing Book for Insured, COD, and Certified Mail," or forms printed at the mailer's expense may be used for certificates for three or more pieces of mail of any class presented at one time.

(d) *Bulk mailings.* Certificates for mailings of identical pieces of first- and third-class advertising matter are made on Form 3606, "Sender's Statement and Certificate of Bulk Mailing." This is a certification that a specified number of pieces has been mailed.

(e) *Quantity mailings.* When the number of articles ordinarily presented justifies such action, mailers will be required to comply with the following:

(1) When individual certificates on Form 3817 are desired, the forms must either be fixed by the stub to the articles or the forms must be consecutively numbered and fastened together. If the certificates are numbered, the articles also should be lightly numbered at a uniform place to permit relating the parcels and certificates.

(2) When the articles are descriptively listed on firm mailing sheets or on special approved forms, they should, if practicable, be presented in the order in which they are entered on the sheets; otherwise, each entry must be consecutively numbered by the mailer, and the articles must be lightly numbered to show the sheet and line number on which they are described.

§ 55.4 Additional certificates after mailing.

To obtain an additional certificate after mailing the sender must present the original certificate and an additional certificate endorsed "duplicate" or "copy" showing the original dates of mailing. The additional certificate will be postmarked to show the current date.

§ 55.5 Payment and certification.

Mailers must fix uncanceled stamps or meter stamps to cover the fee for certificates of mailing. The stamps will be canceled by the postmark of the mailing office. Signatures or initials of accepting employees are not required on Form 3817. The postmark shows the genuineness of the certificate. The employees who check the mailings and postmark the stamps will initial the certificates issued on firm mailing bills or on special approved forms. Form 3606 for bulk mailings will be certified by the postmaster.

PART 56—SPECIAL DELIVERY

Sec.
56.1 Description of special delivery.
56.2 Payment for special delivery.
56.3 Hours of delivery.
56.4 Delivery procedures.
56.5 Undelivered mail.
56.6 Acceptance by letter carriers and messengers.

AUTHORITY: §§ 56.1 to 56.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 707, 6006, 6007.

§ 56.1 Description of special delivery.

(a) *Points of delivery.* Special-delivery mail is given immediate delivery at the office of address during prescribed hours to:

(1) Points within a radius of 1 mile of any post office, station, or branch (except contract station or branch and rural station).

(2) Points within the delivery limits of any post office having letter carrier service.

(3) Points within one-half mile of a rural route by rural carrier on his regular trip, if there is a passable road leading to the addressee's dwelling or place of business.

(b) *Transporting and delivering.* Special-delivery mail is handled and transported in the same manner and with the same expedition as first-class mail. Payment of a special-delivery fee does not insure safety of delivery or provide for the payment of indemnity. Money or other valuables sent special delivery should also be registered. Insured, certified, and COD mail may be sent special delivery.

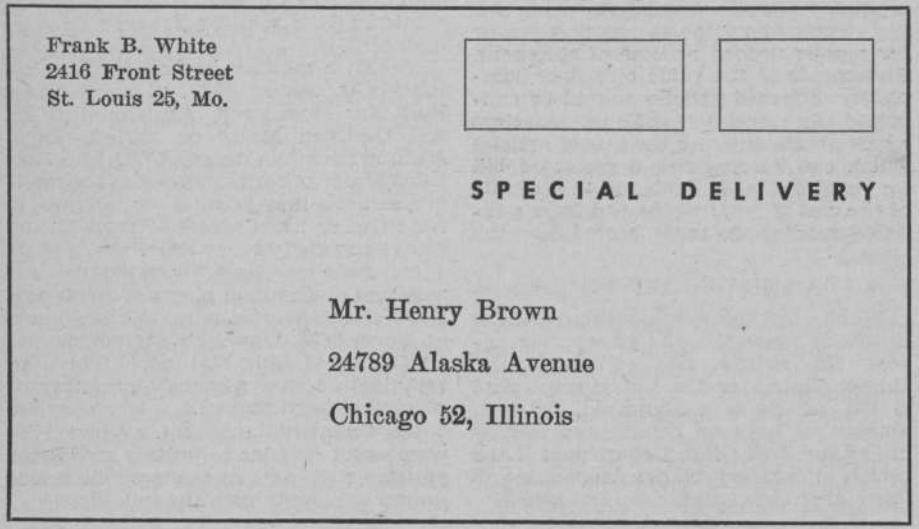
§ 56.2 Payment for special delivery.

(a) *Special delivery fees.*

Class of mail	Weight		
	Not more than 2 lbs.	More than 2 lbs. but not more than 10 lbs.	More than 10 lbs.
	Cents	*Cents*	*Cents*
First class and airmail (including air parcel post)	30	45	60
All other classes	55	65	80

(b) *Prepayment of fee.* Prepay the special-delivery fee by special-delivery stamps, ordinary postage stamps, or meter stamps. The special-delivery fee must be prepaid in addition to regular postage. Official matter in penalty or franked envelopes is not entitled to free special delivery, except urgent official communications of the Postal Service.

(c) *Marking.* You should mark prominently the words "Special Delivery" preferably below the postage and above the name of the addressee as follows:



§ 56.3 Hours of delivery.

(a) *Weekdays.* Normally, special delivery is made at city delivery offices from 7 a.m., to 11 p.m., and at all other post offices from 7 a.m., until the closing hour but not later than 9 p.m. Later hours for delivery may be fixed in particular cases.

(b) *Sundays and holidays.* Special delivery is made at first- and second-class offices on Sunday and at other offices if the mail or mails arrive between the closing hour on Saturday and 6 p. m. on Sunday. Special delivery is made at all offices on holidays.

§ 56.4 Delivery procedures.

(a) *To whom delivery may be made.* Ordinary special-delivery mail is delivered to the addressee or to anyone authorized to receive his mail. At letter-carrier offices, special-delivery mail, other than registered and insured, addressed to a post office box, or to the general delivery, is delivered to the box or held for delivery through the general delivery window, unless the addressee has given written notice that such mail be delivered to his residence or place of business. When special-delivery mail is received at a letter-carrier office addressed to a street address and the addressee usually receives his mail through a post office box or through the general-delivery window, the mail is delivered as addressed, unless the addressee files a written notice directing delivery to his box or through the general-delivery window. At offices not having letter-carrier service, all special-delivery mail is delivered to the residence or place of business of the addressee, unless the addressee files a written request that such mail be deposited in his post office box or held for delivery through the general-delivery window.

(b) *Delivery in mail receptacles.* When no one is at the address to receive mail, the messenger, if he can determine that the occupants are absent for not more than 1 day, will leave the mail and a notice on Form 3955 "Special Delivery Notice."

(c) *Notice of attempted delivery.* When mail cannot be delivered as described in paragraph (b) of this section, the notice Form 3955, left on the doorknob or handle, under the door or in the receptacle, will state where the special delivery mail is being held, the name of the addressee, the messenger's number, the date, and whether it is registered, insured, COD, certified, or marked or known to be perishable.

(d) *Delivery to rural boxes.* Special-delivery mail for an addressee who lives more than one-half mile from the rural route is delivered to his box. If he lives within one-half mile of the route and delivery cannot be made to his residence or place of business, it is deposited in his box, and a notice of non-delivery on Form 3955 is left at his residence or place of business. (See § 46.3 (b) of this chapter for parcels that are too large for the box.)

(e) *Military posts and camps.* No special-delivery service is provided by military personnel at military posts and camps. Special delivery by messenger is made only to addresses such as officer's

homes, headquarters, hospitals, and other places where it is definitely known that delivery can be made.

(f) *Forwarded special-delivery mail.* Special-delivery mail that is forwarded is not entitled to special delivery at the second office, unless a forwarding order had been given by the addressee at the office of original address in advance of the arrival of the mail. Registered mail will not be forwarded without authority as explained in Part 47 of this chapter.

§ 56.5 Undelivered mail.

Special-delivery mail is not delivered in receptacles, left under the door, or delivered a second time if the mail bears a specific request that it be returned to the sender if prompt delivery cannot be made. Special-delivery mail that cannot be delivered is treated the same as other undeliverable matter.

§ 56.6 Acceptance by letter carriers and messengers.

Letter carriers, whether assigned to delivery or collection duty, and special-delivery messengers, will accept prepaid matter bearing a special-delivery stamp handed to them on their trips, and deliver it to the proper clerk immediately upon their arrival at the post office. Letter carriers will not turn over local matter for special delivery directly to messengers.

PART 57—SPECIAL HANDLING

Sec.
57.1 Description of special handling.
57.2 Special-handling fees.
57.3 Marking of parcels.
57.4 Forwarding.

AUTHORITY: §§ 57.1 to 57.4 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 6008.

§ 57.1 Description of special handling.

Special-handling service is available for fourth-class mail only, including that which is insured or sent COD. It provides the most expeditious handling, dispatch, and transportation available, but does not provide special delivery. Special-handling parcels are delivered as parcel post is ordinarily delivered, on regular scheduled trips. The special-handling fee (or special-delivery fee) must be paid on all parcels that must be given special attention in handling, transportation, and delivery, such as parcels containing baby chicks or other baby poultry, package bees carried outside mail bags, baby alligators, etc.

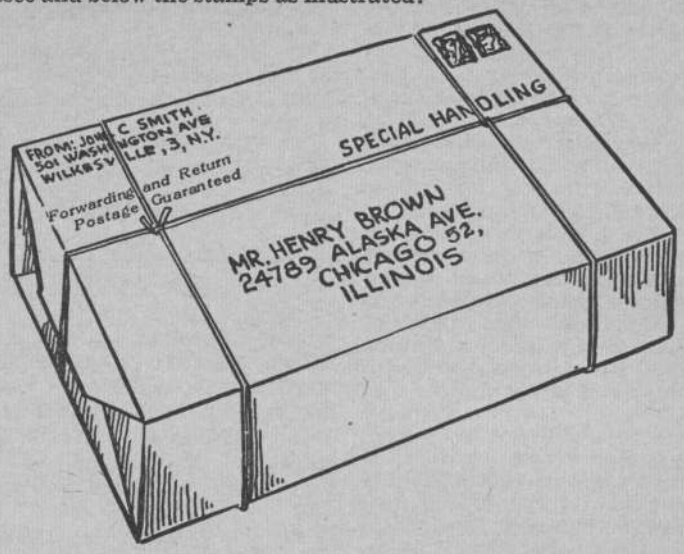
§ 57.2 Special-handling fees.

Weight:	Fee (cents)
Not more than 2 pounds	25
More than 2 pounds but not more than 10 pounds	35
More than 10 pounds	50

The special-handling fee is in addition to regular fourth-class postage, and may be prepaid by ordinary postage stamps, or by meter stamps.

§ 57.3 Marking of parcels.

You should mark the words "Special Handling" preferably above the name of the addressee and below the stamps as illustrated:



§ 57.4 Forwarding.

Parcels undeliverable as originally addressed and forwarded to the addressee at a new address are given special handling without requiring an additional special-handling fee. Additional postage at the regular fourth-class rate is collected on delivery.

PART 58—CERTIFIED MAIL

Sec.
58.1 Description.
58.2 Class of mail to which applicable.
58.3 Fees.
58.4 Mailing.
58.5 Delivery.

AUTHORITY: §§ 58.1 to 58.5 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 507, 4052, 5010.

§ 58.1 Description.

Certified mail service provides for a receipt to the sender and a record of delivery at the office of address. No record is kept at the office at which mailed. It is handled in the ordinary mails and no insurance coverage is provided. The mail will be endorsed in the following manner:

§ 58.2 Class of mail to which applicable.

Any mailable matter of no intrinsic value on which postage at the first-class rate has been paid will be accepted as certified mail. This does not exclude articles of a nonnegotiable character and other matter which would involve a cost of duplication if lost or destroyed. The mail may be sent by air on payment of the required postage. Special delivery services are available on payment of the prescribed fees. Penalty and franked mail may be accepted as certified mail if the fee is prepaid. Official matter of the Postal Service may be sent as certified mail without payment of the fee.

§ 58.3 Fees.

	Cents
Fee in addition to postage	20
Restricted delivery	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered	10
Showing to whom, when, and address where delivered	35
Requested after mailing:	
Showing to whom and when delivered	25

§ 58.4 Mailing.

(a) *Payment of fees and postage.* The fee and postage may be paid by ordinary postage stamps, metered stamps, or by permit imprints.

(b) *Points to which mailable.* Certified mail may be addressed for delivery only:

(1) In the United States, its Territories and Possessions.

(2) In the Canal Zone.

(3) Through Army-Air Force (APO) and Navy (FPO) post offices.

(4) Through the United Nations, N.Y. post office.

(c) *Where to mail.* Patrons may mail certified mail at the post office, branch or station or give it to a rural carrier. It may also be deposited in mail drops in post offices, street letterboxes, or any other receptacles for first-class mail, provided the specific directions in paragraph (d) of this section are followed.

(d) *How to mail.* Obtain blank certified mail coupons (no charge) at the post office or from rural mail carriers. Also obtain blank return receipt forms if needed. Following is the procedure:

(1) Enter on the receipt portion of the certified mail coupon the name and

complete address of the person or firm to whom the mail is addressed.

(2) If return receipt is wanted check block on the mailing receipt to show the fee and endorse the article on the address side near the certified mail endorsement "Return Receipt Requested" or "Return Receipt Requested Showing Address Where Delivered." See § 58.3 (c). The mailer must enter the certified mail number on the return receipt card, address it to himself, and attach it to the back of small envelopes and on front of packages and large envelopes if it will not cover the address. If the mailer desires that the return receipt show the address where the article was delivered, there is a block at the top of the form which must be checked by him.

(3) Attach to the envelope sufficient postage stamps to pay for the certified mail fee, first-class postage, return receipt fee, or special delivery fee.

(4) If a postmarked sender's receipt is desired, the sender must attach the certified mail sticker to the address side of the article and present the article and the completed coupon to the postal employee. If given to a rural carrier, he will return the postmarked receipt to the patron.

(5) If a postmarked receipt is not desired, the sender must attach the "Certified Mail" sticker to the address side of the article, detach his receipt, and mail the article. He must mark his receipt to show the date.

(6) If the sender desires to restrict delivery of certified mail to the addressee or someone named by him in writing, he must endorse the mail "Deliver to Addressee Only" or "Deliver to Addressee or Order."

(e) *Firm mailing books.* If an average of three or more letters is mailed at one time, the sender may use mailing books, Form 3877a, "Firm Mailing Book for Registered, Registered COD, and Certified Mail," which are furnished by the Postal Service without charge, or specially printed mailing bills. A Series of numbers will be furnished the sender. The sheets of the books become the sender's receipts. If the sender wants the firm mailing bills receipted by the Postal Service, he must present the books with the articles to be mailed. He must also obtain at his expense a stamp for endorsing the certified letters, or he may have his envelope overprinted with the endorsement. The endorsement must be a facsimile or proportionate enlargement of the official endorsement shown in § 58.1. Following are instructions for use of firm mailing bills:

(1) Insert the word "Certified" in the space provided at the top of the bill.

(2) The mailer must endorse and number the letters. If return receipt or special delivery services are requested, mark the letters "Return Receipt Requested, Return Receipt Requested Showing Address Where Delivered," or "Special Delivery." Prepare and attach return receipt to the back of the envelopes with the receipt side showing.

(3) Show on the bill the number of each article and the name and address of addressee.

(4) Enter only the amount of fees paid for return receipts.

(5) Affix necessary postage to the articles.

(6) The accepting employee will count the items, receipt the bill for the total number, and return the bill to the sender.

§ 58.5 Delivery.

(a) *Procedure.* Mail for delivery by carriers is taken out on the first trip after it is received, unless the addressee has requested the postmaster to hold his mail at the post office. Certified mail not restricted in delivery will be delivered to the addressee or his authorized representative. Certified mail marked "Deliver to Addressee Only" will be delivered only to the person addressed. If marked "Deliver to Addressee or Order" delivery will be made to the addressee or to a person designated in writing by the addressee to receive the mail. Delivery rules are the same as for registered mail. See §51.7 (b) and (g) of this chapter.

(b) *Notice of arrival.* The carrier will leave a notice of arrival if he cannot deliver the certified article for any reason. The article will be brought back to the post office and held. If the article is not called for or its redelivery requested, it will be returned at the expiration of the period stated by the sender, or after 15 days if no period is stated.

(c) *Rural delivery.* Rural carriers will deliver certified mail to the addressee's residence if it is not more than ½ mile from the route and if there is a passable road leading to it. Otherwise, a notice will be left in the addressee's box so that he may either meet the carrier at the box on his next trip, or call at the post office for the mail.

(d) *Star route delivery.* Star route carriers may deliver certified mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. Authorization may be made on Form 3801, "Standing Delivery Order." The carrier will be required to sign for the mail and the responsibility of the Postal Service ends on delivery to the carrier.

(e) *Delivery records.* The delivery records will be held for 2 years. At the end of that period the records will be destroyed.

SUBCHAPTER G—NONMAIL SERVICES

PART 61—MONEY ORDERS

Sec.

61.1 Issuance of domestic money orders.
61.2 Issuance of international money orders.
61.3 Cashing money orders.
61.4 Receipt and protection of blank money orders.
61.5 Inquiries.
61.6 Nonpostal money orders.

AUTHORITY: §§ 61.1 to 61.6 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 506, 507, 5101–5105.

§ 61.1 Issuance of domestic money orders.

(a) *Where sold.* Patrons may buy domestic money orders at all post offices, branches, and stations in the United States and its possessions, except for certain offices in Alaska. Money order facilities are also provided for members of the Armed Forces of the United States. Special procedures for rural patrons are explained in § 61.1(e).

(b) *Amounts, fees, payments*—(1) *Money order amounts.* Patrons should ask the clerk to issue a money order for the desired amount. The maximum amount for a single money order is $100. There is no limitation on the number of orders that may be purchased at one time, except when the Department may impose temporary restrictions.

(2) *Money order fees.*

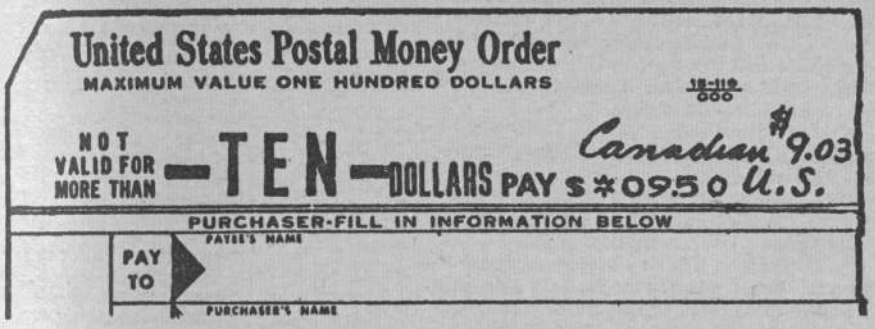
Amount of money order	Amount of fee	
	Domestic	International
$0.01 to $10	$0.20	$0.40
$10.01 to $50	.30	.60
$50.01 to $100	.35	.70

(3) *Paying for money orders.* Money orders must be paid for in American money. Postmasters may accept, at their own risk, from a person whose endorsement is acceptable, a Federal Government check in payment for a money order.

(c) *Putting amount, dating stamp, and initials on money order*—(1) *Amount.* The employee who issues the money order shall enter the amount, as follows:

(i) *Manual method.* Use post office ball point pen and write the whole dollar amount in words on the "pay" line and the dollar and cents amount in figures in the "amount" block and draw two lines through unused "dollar" blocks. Enter control stamp for the same or next higher amount after the words "not valid for more than". The following illustration also shows the proper manner of issuing order for payment in Canada.

(ii) *Machine method.* Use machine to enter amount in figures, preceded by the $ sign and asterisk, if less than $100, to the right of word "pay". Affix control stamp for the same or next higher amount after the words "not valid for more than". The following illustration also shows the proper method for issuing order for payment in Canada.



(2) *Dating stamp and initials.* The employee who issues the money order shall put the all-purpose dating stamp (Item 570) and his initials, in ink, in the spaces provided on form.

(d) *Completion of money order by purchaser.* After receiving cash for the order and fee, the postal clerk shall remove the post office record stub, partially detach purchaser's receipt stub, give the order and receipt to patron, and remind him of necessity to complete information on the order. The purchaser must fill in the following information on the money order:

(1) *Name of payee and name and address of purchaser.* The patron must fill in his name and address as purchaser and the name of the person to whom it is to be paid. He should do this promptly to protect his rights in the event the order is lost. Money orders may be payable:

(i) To purchaser, if desired.

(ii) To only one firm or person, by complete name. Don't put the name "Smith" for an individual. But "Smiths" may be used if it is the name of a company or firm.

(iii) To payees (the persons to whom payable) by their official titles. For example: Cashier, First National Bank; Superintendent of Insurance, New York State; Director of Internal Revenue, Baltimore.

(iv) To persons who have adopted a name in a religious order, such as Sister Theresa, or Brother Joseph.

(2) *Identifying data.* The purchaser should add his insurance policy number or other identification data to insure proper credit. Designate government agencies directly, as: Director of Internal Revenue; Superintendent of Documents; Veterans Administration.

(e) *Issuance to Rural Patrons*—(1) *Application Form.* Rural patrons must obtain an application from the carrier. The purchaser will be given a numbered receipt when he returns the completed application form with the money. If the carrier cannot give the correct change in payment, he will meet the purchaser on his next trip. Money must never be deposited in a rural box. When carriers do find money in a box with a completed application, Form 6001, "Application for domestic money order", they will take it to their post office for issue of the money order. Carriers will deliver the money orders with receipts attached, to patrons on their next regular trip. The postmaster shall keep applications in a separate file, in money order number sequence.

(2) *Requesting the mailing of order to payee.* If the purchaser wants the money order mailed to the payee the carrier will do so if he is furnished a stamped addressed envelope. No extra charge is made for this service.

(3) *Form 6387 for rural carriers.* Postmasters will furnish rural carriers Form 6387, "Receipt of Carrier to Purchaser and Certificate of Postmaster for Issue of Money Order", for the purpose of transacting money order business. These transactions shall be conducted in accordance with instructions on the back of the book cover of Form 6387.

(f) *Spoiled or lost money orders*—(1) *Spoiled when being issued*—(i) *Issuance of new order.* The purchaser must make sure that the money order received agrees with the amount requested. When a money order is returned after it has been issued and made a matter of record, a new one will be issued. If the post office was at fault, no fee will be charged for the new one. Should the purchaser spoil an order in completing it, no charge will be made for a new one if the purchaser returns it to the post office on the same day it was issued.

(ii) *Disposition of spoiled order.* Postal employees shall treat money order forms that are defective by misprint or mutilation or spoiled when being issued as follows:

(*a*) Stamp or write boldly "Not Issued" across the amount block on the order. Detach and destroy purchaser's receipt. First- and second-class offices must submit these money orders with Form 6125, "Statement of Accountability Money Order Business"; Form 6125–A, "Money Order Group Report"; or Form 6126, "Statement of Accountability Money Order Business". Third- and fourth-class offices must enter "Not Issued" opposite the serial number on Form 1846, "Quarterly List of Money Orders Issued", or Form 1846–A, "List of Money Orders Issued", and submit the spoiled orders with the form.

(*b*) Stamp or write "Not Issued" across the amount block of the post office record (money order stub).

(2) *Lost or damaged orders*—(i) *Application for duplicate order.* (*a*) A money order that is lost will be replaced without charge by the Post Office Department provided it had been completed by the purchaser to show his name and address and the name of the intended payee. The owner—purchaser, payee, or endorsee—should make application through his local postmaster, using Form 6401, "Inquiry as to Payment of Money Order."

(*b*) Patrons must wait 60 days after date of issue of original money order before filing Form 6401, "Inquiry as to Payment of Money Order", except for mutilated orders or for orders void by too many endorsements.

(*c*) The post office shall put the following endorsement on the purchasers receipt before returning the receipt to him:

Form 6401 (date).

(ii) *Issuance of duplicate order.* (*a*) A duplicate money order will be issued in accordance with the wishes of the purchaser-applicant without the consent of the payee or endorsee.

(*b*) The post office shall send the mutilated or void order to the Money Order Center where duplicates are issued. A duplicate money order will be issued if the original order is not in the paid files at the Money Order Center; it will show the serial number of the original order and the amount as entered on Form 6401. When a record of the amount of the original order is not available at the Money Order Center, the center will issue the duplicate based on information shown on Form 6401 and will send the order to the post office of issue of the original order for verification. In such cases, Form 787, "Duplicate Money Order Transmittal Letter," accompanies the duplicate money order; it describes the verification required and the disposition of the order. The employee performing the verification will initial the duplicate if both the serial number and the amount are in agreement with the post office record (stub).

(iii) *Orders recovered after duplicate issued.* When a duplicate order has been issued, the postal employee shall write "Canceled-Duplicate Issued" on the original order and send it to the Money Order Center. If the postal employee does not know whether a duplicate was actually issued, he shall send the recovered order with Form 6401, "Inquiry as to Payment of Money Order."

(iv) *Payment of duplicate orders.* A duplicate money order is payable only to the payee named thereon or to his endorsee.

§ 61.2 Issuance of international money orders.

(a) *Where sold.* International money orders may be purchased at almost all first-class post offices. Some second-, third-, and fourth-class post offices have been designated to provide this service. International money orders will be issued to addressees in those countries that have agreed with the United States to conduct such business.

(b) *Application.* (1) For the following countries, the domestic money order

form is used and there is no application form:

Antigua.	Dominica.
Bahamas.	Grenada.
Barbados.	Jamaica.
Bermuda.	Montserrat.
British Honduras.	Nevis.
British Virgin Islands.	Saint Kitts.
Canada.	Saint Lucia.
Canal Zone.	Saint Vincent.
Cuba.	Tobago.
	Trinidad.

(2) For all countries and localities listed in paragraphs (f) and (g) of this section, the international money order form is used and application must be made on Form 6701. In some cases, the order is written in foreign currency. In most cases, the amount is written in United States dollars and converted into foreign currency in the country where payable.

(3) Purchasers must use Form 6083, "Supplemental International Money Order Advice", written in the foreign language, when they send money orders payable in Greece, Lebanon, Syria, Yugoslavia, and Japan.

(4) When the international money order form is used, purchasers will be given a receipt. The postmaster will arrange for sending the order abroad, as prescribed in paragraph (c) (2) (iii) of this section.

(5) Purchasers must state the following details in their application regarding the payee: Full name, exact address, name of city, town, or village; name of the canton, department, or district as the case may be. If the payee is a woman, state whether single, married, or a widow.

(c) *Preparation of orders*—(1) *When domestic form is used.* Postal employees shall handle in the same manner as for domestic orders. For Canada, the amount on the order must be expressed in both U.S. and Canadian money. Consult the current conversion table. Put the amount received in U.S. money in the "figure" block and write "U.S." before it. Write the Canadian amount under the figure blocks and put "Canadian" before it.

(2) *When international form is used.* Postal employees shall complete the transaction the same way as for a domestic money order, with these exceptions:

(i) Print all particulars of the application on the order, including office of payment, if known.

(ii) Enter amount in U.S. money. If patron requests foreign equivalent of an order payable in one of the following countries, consult Form 6749a, "Conversion Tables for Use in International Money Order Business", and enter that amount also: British Guiana, Great Britain and Northern Ireland, Ireland, New Zealand, South Africa, Belgium, Denmark, France, Luxemburg, Netherlands, Norway, Surinam, Sweden, Switzerland and Tunis.

(iii) Give receipt to patron, and send order to the proper U.S. exchange office. When necessary, also attach any required foreign language advices, Form 6083, "Supplemental International Money Order Advice". (See paragraph (b) (3) of this section.)

(d) *Refunds.* The amounts of orders sent on the international form may not be repaid here until authorized by the foreign postal department. Form 6759, "Application for Authority for Repayment of International Money Orders", shall be sent to the proper U.S. exchange office when purchaser requests repayment on U.S. issued orders.

(e) *Lost reissued orders.* The postmaster shall report the facts concerning lost reissued orders (an order certified to the United States by a foreign country and reissued in the United States) to the proper U.S. exchange office.

(f) *Countries where service is available on direct exchange basis.* Direct exchange of international money orders is conducted between the United States exchange office and the foreign exchange office of the places named in the following table:

U.S. Exchange Office	*Foreign country*
Dallas 21, Tex.	Mexico.
San Francisco 3, Calif.	China, Republic of (Formosa).
	Commonwealth of Australia:
	New South Wales.
	Queensland.
	South Australia.
	Tasmania.
	Victoria.
	Western Australia.
	Japan.
	New Zealand.
	Philippines.
	Ryukyu Islands.
New York 1, N.Y.	Argentina.
	Austria.
	Belgium.
	British Guiana.
	Chile.
	Colombia.
	Costa Rica.
	Czechoslovakia (except Province of Ruthenia).
New York 1, N.Y.	Denmark.
	Egypt (United Arab Republic).
	Finland.
	France.
	Germany.[1]
	Great Britain and Northern Ireland.
	Greece.
	Guatemala.
	Hungary.
	Iceland.
	Ireland.
	Italy.
	Lebanon.
	Luxemburg.
	Netherlands.
	Netherlands Antilles (Ariba, Bonaire, Curacao, Saba, St. Eustatius, and southern part of St. Martin)
	Norway.
	Peru.
	Poland.
	Salvador.
	South Africa, Republic of
	Surinam.
	Sweden.
	Switzerland.
	Syria.[2]
	Tunis.
	United Arab Republic (Egyptian Territory).
	Uruguay.
	Vatican City.
	Yugoslavia.

[1] Money order service is in effect with the American, British, and French zones of Germany and the western sector of Berlin only.

[2] Syria comprises Aleppo, Damascus, Euphrates, Hama, Hauran Homs, Jebel Druze, Jezireh, and Latakia.

(g) *Countries where service is available on indirect exchange basis.* (Orders are paid in the designated country through an intermediary country which reserves the right to deduct a fee for the service.)

Country or Locality	*Basis: Through intermediary of—*
Aden	Great Britain.
Including Kamaran Island.	
Aegean Island (See Dodecanese Islands)	Greece.
Aitutaki, Cook Islands	New Zealand.
Algeria	France.
Andaman Islands	Great Britain.
Azores[1]	Great Britain.
Baluchistan (See Pakistan)	Great Britain.
Basutoland	South Africa.
Bechuanaland, British	South Africa.
Bechuanaland Protectorate	South Africa.
Borneo, North	Great Britain.
British Bechuanaland	South Africa.
British Cameroons	Great Britain.
Bamenda, Buea, Kumba, Mamfe, Tiko, Victoria.	
British Somaliland (See Somaliland Protectorate)	Great Britain.
Burma	Great Britain.
Cameroun, Republic of	France.
Cameroons, British	Great Britain.
Bamenda, Buea, Kumba, Mamfe, Tiko, Victoria.	
Central African Republic (Oubanghi-Chari)	France.
Ceylon	Great Britain.
Chad, Republic of (Tchad)	France.
Chios (Dodecanese Islands)	Greece.
Comoro Islands	France.
Congo, Republic of (Moyen'Middle' Congo)	France.
Cook Islands	New Zealand.
Aitutaki, Rarotonga.	
Corsica	France.
Cos (Dodecanese Islands)	Greece.
Crete	Greece.

[1] The maximum amount which may be sent on any one day by the same purchaser is £40.

Country or Locality	Basis: Through intermediary of—
Cyprus	Great Britain.
Famagusta, Kyrenia, Larnaca, Lefka, Lefkara, Lefkoniko, Limassol, Morphou, Nicosia, Paphos, Pedhoulas, Platres, Polis, Troodos, Yialousa. (Pedhoulas, Platres and Troodos are summer offices only.)	
Dahomey, Republic of	France.
Dodecanese Islands	Greece.
Astypalaia, Kalymnos (Calino, Calymnos), Karpathos (Scarpanto), Kassos, Kastellorizon, Cos, Leros (Lero), Nissyros (Nisiro), Patmos, Rhodes (Rodi), and Symi	
Ellice Islands	New South Wales.
Falkland Islands	Great Britain.
Stanley	
Fanning Island	New Zealand.
Faroe Islands	Denmark.
Fiji Islands	Great Britain.
French Cameroon (See Cameroun, State of)	France.
French Equatorial Africa (See Central African Republic, Chad, Congo and Gabon Republic).	France.
French Guiana	France.
French Oceania (See Polynesia)	France.
French Sudan (See Soudanese Republic)	France.
French Togoland (See Toga)	France.
French West Africa (See Dahomey, Soudanese Republic, Ivory Coast, Mauritania, Niger, Senegal, Upper Volta).	France.
Friendly Islands (or Tonga Islands)	New South Wales.
Gabon Republic	France.
Gambia	Great Britain.
Barre (paid through Bathurst), Basse, Bathurst, Cape St. Mary (paid through Bathurst), Georgetown, Kunta-Ur, Macarthy Island (paid through Georgetown).	
Ghana	Great Britain.
Gibraltar	Great Britain.
Gilbert and Ellice Islands Colony	New South Wales.
Guadeloupe	France.
India	Great Britain.
Iraq [2]	Great Britain.
Islamic Republic (See Mauritania)	France.
Ivory Coast, Republic of	France.
Kalymnos (Dodecanese Islands)	Greece.
Kamaran Island (Aden)	Great Britain.
Karpathos (Dodecanese Islands)	Greece.
Kenya	Great Britain.
Leros (Dodecanese Islands)	Greece.
Lesbos (Dodecanese Islands)	Greece.
Liechtenstein, Principality of	Switzerland.
Madagascar (Malagasy Republic)	France.
Madeira Islands [1]	Great Britain.
Makatea (Polynesia)	France.
Malagasy Republic (See Madagascar)	France.
Malaya (Federation of) and Singapore	Great Britain.
Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang (including Providence of Wellesley), Perak, Perlis, Selangor and Trengganau and Singapore.	
Malta	Great Britain.
Birkirkara, Notabile, Siggieui, Sliema, Valletta, Victoria (Gozo).	
Martinique	France.
Mauritania (Islamic Republic)	France.

[1] The maximum amount which may be sent on any one day by the same purchaser is £40.
[2] The maximum amount which may be sent on any one day by the same purchaser is £10.

Country or Locality	Basis: Through intermediary of—
Mauritius	Great Britain.
Middle Congo (See Congo, Republic of)	France.
(Same as Moyen Congo.)	
Monaco	France.
Morocco	France.
Mozambique (Portuguese East Africa)	South Africa.
Nauru Island	New South Wales.
Netherlands West Indies (See Netherlands Antilles)	Netherlands.
New Caledonia	France.
New Guinea, Territory of	New South Wales.
New Hebrides	New South Wales.
Nicobar Islands	Great Britain.
Niger, Republic of	France.
Nigeria	Great Britain.
Nissyros (Dodecanese Islands)	Greece.
Niue or Savage Island	New Zealand.
Norfolk Island	New South Wales.
North Borneo	Great Britain.
Northern Rhodesia	South Africa.
Nyasaland	Great Britain.
Oceania, French (See Polynesia)	France.
Oubanghi-Chari (See Central African Republic)	France.
Pakistan (including Baluchistan)	Great Britain.
Papeete, Tahiti	France.
Papua (Territory of)	New South Wales.
Penrhyn Island	New Zealand.
Persian Gulf Ports	Great Britain.
Polynesia, French	France.
Makatea, Raiatea, Society Islands, Tahiti.	
Portugal [1]	Great Britain.
Portuguese East Africa (Mozambique)	South Africa.
Protectorate of Somaliland	Great Britain.
Raiatea, Polynesia	France.
Rarotonga (Cook Islands)	New Zealand.
Reunion Island	France.
Rhodes (Dodecanese Islands)	Greece.
Rhodesia (Northern and Southern)	South Africa.
Rogrigues, Island of	Great Britain.
Saar	Germany.
Saint Eustatius (Netherlands Antilles)	Netherlands.
Saint Helena	Great Britain.
Saint Pierre and Miquelon	France.
Samoa (Western)	New Zealand.
Samos (Dodecanese Islands)	Greece.
San Marion, Republic of	Italy.
Sarawak	Great Britain.
Savage Islands (Niue)	New Zealand.
Senegal, Republic of	France.
Seychelles Islands	Great Britain.
Sierra Leone	Great Britain.
Bauya, Blama, Bo, Bonthe, Cline Town, Daru Freetown, Hangha, Kabala, Kailahun, Kambia, Kenema, Lunsar, Magburaka (Makump) Makeni, Mano, Moyamba, Pendembu, Port Loko, Punjehun, Rotifunk, Segbwema, Sembehun, Sumbuya, Waterloo.	
Singapore	Great Britain.
Society Islands, French Polynesia	France.
Solomon Islands	New South Wales.
Somaliland Protectorate	Great Britain.
Berbera, Borama, Burao, Erigavo, Hargeisa, Lasanod, Sheikh (paid at Berbara or Burao), Zeilah.	

Country or Locality	Basis: Through intermediary of—
Soudanese Republic	France.
Southern Rhodesia	South Africa.
Southwest Africa	South Africa.
Sudan, French (See Soudanese Republic)	France.
Swaziland	South Africa.
Tahiti (French Polynesia)	France.
Tanganyika	Great Britain.
Tchad (See Chad Republic)	France.
Togo	France.
Anécho, Atakpamé, Lomé, Palimé.	
Tonga Islands (or Friendly Islands)	New South Wales.
Uganda	Great Britain.
Arua, Bombo, Busambatia, Butiaba, Entebbe, Fort Portal, Gulu, Hoima, Iganga, Jinja, Kabale, Kaberamaido, Kakira, Kaliro, Kampala, Kamuli, Kitgum, Lira, Lugazi, Masaka, Masindi, Mbale, Mbarara, Mubende, Nanasagali, Ngora, Soroti, Tororo.	
Upper Volta	France.
Western Samoa	New Zealand.
Zanzibar	Great Britain.

§ 61.3 Cashing money orders.

(a) *Period of validity.* No money order shall be paid after 20 years from the last day of the month of original issue. Card money orders issued within this period may be paid. However, claim for a paper money order should be made on Form 6401, "Inquiry as to Payment of Money Order," accompanied by the order, if available.

(b) *Where to cash.* (1) A card money order may be cashed at any post office or bank. The local postmaster may be consulted to obtain payment of an old style paper money order.

(2) Rural carriers will cash money orders for rural patrons. Money orders must be endorsed in his presence. No fee or compensation is required for this service.

(3) Money orders issued at military post offices are payable only at military post offices and United States military banking facilities, or at post offices or banks located in the United States, its possessions or Territories, and countries with which the United States transacts domestic-international money order business. If the remitter or payee of a money order issued at a military post office transfers ownership by endorsement to another, the endorsee must cash the money order at either a military post office, a United States military banking facility, or a post office located in the United States, its possessions, or Territories.

(c) *Signature requirements*—(1) *Acceptance of signature.* The paying post office may accept any signature of the payee, purchaser, or endorsee that is not different from the name given on the order.

(2) *Signature by mark.* Patrons who cannot write must use a mark. Marks (usually X) must be witnessed by someone who is not a post office employee.

(3) *Signature by firms, organizations, and their representatives.* All money orders payable to a business firm, an organization, society, institution, or government agency must be signed in the name of the organization by a representative authorized to do so. It may be necessary for such authority to be presented and filed. The representative must also sign with his own name and organizational title. If drawn in favor of an official by name and presented by a successor, the latter must sign as follows: "William Jones, treasurer, successor to George Thompson".

(4) *Use of titles.* Use of such titles as "Dr., Rev., Prof., Madam, Mrs., M.D., or D.D.S.", are not required in signing a money order for payment, whether or not such title is used on the face of the money order.

(5) *Stamped signatures.* A stamped signature is acceptable as an endorsement on a money order when drawn in favor of a firm, corporation, association, society, or individual, provided the money order is presented to a bank for payment. A post office will accept stamped signatures, provided an agreement is filed in advance regarding the responsibility for the correctness of such payments.

(d) *Payment of orders to other than payee*—(1) *Transfer of money order*—(i) *By purchaser or payee.* The payee or purchaser of a money order may endorse it to any other person or firm.

(ii) *On power of attorney.* A person with power of attorney may cash money orders in behalf of the payee who gave him that authority. The power of attorney must be filed at the office of payment.

(iii) *On separate written order.* A payee may file a separate written order with the post office authorizing payment to another person. The person must be designated by name as the one to receive payment.

(2) *Upon assignment.* When a payee, such as an individual or firm, makes an assignment, and intends that money orders be paid to the assigned person, he must file a power of attorney or a written order in the post office. The person designated to receive payment must receipt the money order and indicate below his signature the capacity in which he acts.

(3) *On death of payee.* A money order belonging to a deceased owner may be paid to the executor or administrator of the estate appointed by the court. A certified copy of the appointment as executor or administrator must be filed with the local postmaster. Payments will be made in accordance with the laws of the State of which the deceased was a resident.

(4) *To a concern no longer in business.* Money orders will be paid to the legal representative of a firm, association, or company that has ceased to exist.

(5) *To a committee or a guardian.* Money orders will not be issued or paid to a ward when declared incompetent by a court. They will be paid only to the committee, guardian, or other duly authorized person.

(6) *To minors.* A money order payable to a minor may be paid to the father or mother as natural guardian unless prohibited by court order.

(e) *When orders will not be paid*—(1) *When there is a second endorsement.* A money order with more than one endorsement is invalid. Consult the local post office for proper procedure to obtain a duplicate.

(2) *When there is a question on a COD parcel.* No payment will be made when a money order has been issued in return for a COD parcel, and is presented by the addressee (purchaser) and the money order has not been endorsed by the payee (shipper) or the payee has not expressly authorized payment to the purchaser by written approval.

(f) *Examination of the order.* The postal employee shall examine the order to see that:

(1) It is *not* a form reported stolen. If it is, he shall try to delay the person; immediately notify local police, nearest postal inspector, or postal inspector in charge; and hold order for instructions.

(2) It is properly stamped and drawn by the issuing office. Machine-issued orders are payable in the amount imprinted by the machine and for no more than the amount stamped between the words "Not valid for more than" and the word "pay."

(3) It does not bear any alterations or erasures.

(4) It is presented by the payee, endorsee, or purchaser. (A duplicate money order is payable only if presented by the payee or by his endorsee.) Money orders may be accepted from responsible individuals or business firms bearing rubber-stamp endorsements provided a specimen of the form of endorsement to be so used is filed with the postmaster over the signature of the individual, or an authorized officer of the company, accepting responsibility for the payment of orders so endorsed. If in doubt as to particulars on a domestic order, Form 6006, "Application for Separate Advice of Money Order," shall be sent to the issuing postmaster for verification.

(g) *Identification of payee.* If the payee presenting the money order is not personally known to the postal employee, he must prove his identity. Social security cards are not acceptable. Drivers permits, military identification cards, or other credentials showing signature of bearer and having serial numbers or other indicia which can be traced to the holder are helpful in identification. The owner must sign the money order in the presence of the postal employee. The postal employee shall compare signature with identification, if possible; shall enter on the back of the order the

license or serial number and full description of the identification, including street address, city, and State; and shall also initial the back of the order. This will aid in apprehending persons attempting forgery or other wrong payment. If the postal employee has taken proper care under the circumstances, the Department will recommend that he be relieved of financial responsibility for wrong payment. This procedure must be followed carefully in the case of endorsed money orders, as they might bear a forged endorsement and be in the hands of the wrong person.

(h) *Disposition of paid orders.* The postal employee shall put the office dating stamp and his initials on the back of the money orders paid and handle them as postal funds. When a patron regularly presents a large number of money orders for payment, write to Bureau of Finance, Division of Postal Funds, for special instructions on handling.

(i) *Wrong Payment*—(1) *Through error only.* If a money order intended for one person or firm is paid to another through error and without fraudulent intent and both parties live in the same city, the postal employee may recover the amount from the one wrongly paid and deliver it to the other. If impractical to settle in this manner, he shall report the case to the Money Order Center for adjustment.

(2) *Through alleged fraud.* When improper payment is alleged, the postal employee shall send Form 6065 "Request for Photo Copies of Money Order," to the Money Order Center. If the claimant denies proper payment after examination of the photostat, he must complete Form 6337, "Affidavit Relative to Alleged Wrong Payment of a Money Order." The postal employee shall send the completed Form 6337 with the photostat of the paid order to the postal inspector in charge.

§ 61.4 Receipt and protection of blank money orders.

(a) *Receipt.* Issuing employees must check the serial numbers of forms when received. When a form is missing, record the serial number on a memorandum slip and place it in sequence in the post office stub file and report the facts to the Money Order Center.

(b) *Protection.* Money order forms must be under protection of a lock when not in use. They must be given the best protection possible at night and when the office is closed. Where practicable, office dating stamps and money order control stamps should be placed in a locked receptacle when the office is closed. At sale window, keep blank money orders and rubber stamps out of reach of possible sneak thieves. Report any stolen money-order forms immediately by telegraph or telephone to the postal inspector in charge and give the serial numbers of the stolen forms.

§ 61.5 Inquiries.

(a) *Who may receive information.* Information about money order transactions may be given to purchaser, payee, or endorsee, or their agent, or to a representative of the Department. Compliance with requests from others must be authorized by the Department. (See §§ 4.3 and 4.4 of this chapter.)

(b) *Inquiries regarding payment.* Postal employees shall handle as follows:

(1) *Orders issued on domestic form.* Send Form 6401 to the Money Order Center. Do not accept until 60 days after the issue date of the money order.

(2) *Orders issued on international form.* Send Form 6684, "Inquiry Concerning International Money Order Issued in the United States," to the proper U.S. exchange office for order issued in the United States. When reply is received from the exchange office, enter the required information on Form 6860 "Reply to Inquiry Concerning Payment of International Money Order," and forward it to the patron.

(3) *Orders issued by other countries.* Send all correspondence regarding duplicates, wrong payments, under- and over-payments, and requests for photostats of money orders issued in countries with which business is conducted on the domestic-international basis to the International Accounts Section, Division of Accounting, Washington 25, D.C.

§ 61.6 Nonpostal money orders.

(a) Postmasters and employees shall not sell nonpostal money orders, checks, or similar instruments for the transmission of money.

(b) Contract and rural stations shall not sell nonpostal money orders, checks, or similar instruments for the transmission of money, unless specially authorized by the Assistant Postmaster General, Bureau of Finance.

PART 62—NONPOSTAL STAMPS AND BONDS

Sec.

62.1 Documentary internal revenue stamps.
62.2 Migratory-bird hunting stamps.
62.3 United States savings stamps.
62.4 United States savings bonds.

AUTHORITY: §§ 62.1 to 62.4 issued under R.S. 161, as amended, sec. 2, 48 Stat. 45, as amended, 49 Stat. 21, as amended, 68A Stat. 830; 5 U.S.C. 22, 16 U.S.C. 718b, 26 U.S.C. 6802, 31 U.S.C. 757c, 39 U.S.C. 1, 501.

§ 62.1 Documentary internal revenue stamps.

(a) *Where sold.* Documentary internal revenue stamps are sold at all first- and second-class post offices, and at third- and fourth-class offices located in county seats. Sign 35, notifying the public of the availability of these stamps, shall be posted in the lobby.

(b) *Use of stamps.* These stamps are sold for the payment of taxes on the following documents:

(1) Issuance of capital stock and certificates of indebtedness of a corporation.

(2) Sales or transfers of capital stock and certificates of indebtedness of a corporation.

(3) Real estate conveyances, deeds, etc.

(4) Steamship passage tickets.

(5) Policies by foreign insurers.

Postal employees must not advise or instruct purchasers of documentary internal revenue stamps on matters relating to the administration of the law, other than that they are for the payment of taxes on these documents.

(c) *Denominations available.* Documentary internal revenue stamps are available in the following denominations:

Form	*Denominations*
Blocks of 25 or sheets of 100	1, 2, 3, 4, 5, 8, and 10 cents.
Single or in sheets of 100	20, 25, 40, 50, 55, and 80 cents; 1, 1.10, 1.65, 2, 2.20, 2.75, 3, 3.30, 4, 5, 10, and 20 dollars.
Single or in books of 40	30, 50, 60, and 100 dollars.
Single or in books of 8	$500.
Single or in books of 4	$1,000.

(d) *Accounting for stamps.* Stubs to which stamps of $30 denomination and over are attached shall not be completed. Stubs shall be destroyed after all stamps in a book are sold. Money from sales shall be treated as postal funds.

§ 62.2 Migratory-bird hunting stamps.

(a) *Where sold.* Migratory-bird hunting stamps are sold at all first- and second-class post offices, and at certain designated third- and fourth-class offices where there is a demand for them. A current migratory-bird poster shall be displayed in the lobby.

(b) *Price.* Migratory-bird hunting stamps cost $3 each.

(c) *Instructions on administration of the law.* Postal employees must not instruct purchasers of migratory-bird hunting stamps on matters relating to the administration of the law. Refer them to the Fish and Wildlife Service, Washington 25, D.C., or to the local game warden.

(d) *Redemption from public.* Stamps shall not be redeemed from the public except unsold stamps returned, within 30 days after close of season, from persons regularly engaged in retailing hunting or fishing equipment or from persons authorized to sell State or county hunting or fishing licenses. Stamps validated by signature or stamps that appear to have been removed from a hunting license or identification card shall not be accepted.

(e) *Accounting for stamps.* (1) Receipt to evidence payment shall not be issued if no stamps are available.

(2) Money from sales shall be treated as postal funds.

(3) Refunds shall be made from postal funds, and redeemed stock shall be treated as nonsalable.

§ 62.3 United States savings stamps.

(a) *Availability.* United States savings stamps may be purchased at any post office where there is a demand for them. Postmasters sell savings stamps to business houses, schools, institutions, or other organizations that desire to purchase them for resale. Postmasters will furnish savings stamps for schools without prepayment, on a consignment or a fixed-credit basis, to selected volunteer workers who shall be established as Treasury savings stamp agents. These agents will be qualified by State directors of the United States Savings Bonds Division of the Treasury Department. De-

tailed information and the name and address of State directors may be obtain from postmasters.

(b) *Denominations.* Savings stamps are furnished in sheets in denominations of 10, 25, and 50 cents, and $1 and $5. The 10-cent and 25-cent stamps are also available bound in books. Books of fifty 10-cent savings stamps sell for $5; "gift books" of ten 25-cent stamps for $2.50; and "gift books" of twenty 25-cent stamps for $5. Stamps in these books are not detached and sold separately, but they must be detached and affixed in an album before they may be redeemed at a post office.

(c) *Savings-stamp albums.* Savings stamps will not be redeemed until stuck in an album of the appropriate denomination. Savings-stamp albums may be obtained for each denomination free from the postmaster.

(d) *Payment for stamps by purchaser.* If payment is made by check, delivery of stamps may be delayed until check has cleared. Postal employees shall dispose of funds received in payment of stamps as postal funds.

(e) *Redemption from public.* (1) *Payment to bearer.* Savings stamps are transferable, and are payable to bearer at any post office if affixed to albums or on cards designed for the purpose. Postal savings stamps formerly sold shall also be redeemed if mounted in an album or on cards. Savings stamps will be redeemed for cash if presented by banks and other institutions that have accepted them in payment for United States savings bonds. Payment shall be made out of postal funds.

(2) *Cancellation of redeemed stamps.* Postal employees shall enter the value of savings stamps in each album on the back cover of the album near the top and place a clear impression of the post office dating stamp nearby. They shall cancel redeemed stamps promptly after acceptance. The stamps shall not be defaced or mutilated.

(3) *Disposition of redeemed stamps.* Postal employees shall submit redeemed savings stamps to main office with Form 1412, "Daily Cash Report", where used.

(f) *Mutilated stamps.* (1) The postmaster will accept at face value any savings stamp that has been torn, burned, or badly mutilated, when one or more fragments can be identified as constituting clearly more than one half of the same stamp. If the fragment or fragments are not so identifiable, the owner should send them (with the entire album, if the stamp had been stuck in an album before it was mutilated) to the Treasurer of the United States, Washington 25, D.C.

(2) If stamps have adhered to each other so that they cannot be separated and their value determined (which can usually be done by soaking the stamps in warm water), the owner should forward them to the Treasurer of the United States.

§ 62.4 United States savings bonds.

(a) *Availability.* The Post Office Department acts as agent of the Treasury Department for the sale of Series E United States savings bonds at post offices in communities where no banks sell the bonds or where there are no other issuing agents. Savings bonds are available in the following denominations:

Denomination	Purchase price	Maturity value (7 years, 9 months after date of issue)
Q	$18.75	$25
L	37.50	50
C	75.00	100
R	150.00	200
D	375.00	500
M	750.00	1,000

(b) *Application for bonds.* "Application for U.S. Savings Bonds", Form 920, is supplied by the postmaster. The purchaser must state on the form, by denomination, the number of bonds applied for, the total amount of the purchase, and the name and address to be inscribed on the face of the bond. Form 920 may also be used in applying for bonds by mail to a Federal Reserve bank or to the Treasury Department.

(c) *Acceptance of funds.* Funds shall be accepted the same as for money orders. (See § 61.1(b)(3) of this chapter.) If the postal employee does not want to accept a check, he shall advise the patron that a check will be accepted by the Treasury Department or a Federal Reserve bank in the purchase of bonds by mail. If a check is accepted and it fails to clear, the purchaser must either make the check good or return the bond. If neither the money nor the bond can be recovered, the post office shall notify the regional controller. No money may be accepted for bonds unless they are available for immediate delivery. Funds received shall be treated as postal funds.

(d) *Issuance of bonds*—(1) *Accepting applications.* The postal employee shall check Form 920, "Application for United States Savings Bonds", to see that inscription requested is in a form authorized by the latest edition of Treasury Department Circular 530 (circular may be obtained from the regional controller); write serial number of issued bond on Form 920; initial; and file alphabetically.

(2) *Filling out bonds.* The postal employee shall:

(i) Issue bonds in the names of individuals only, as follows:

(*a*) One person: "John A. Jones."

(*b*) Two persons—coownership form: "John A. Jones or Mrs. Ellen S. Jones".

(*c*) Two persons—beneficiary form: "John A. Jones, payable on death to Miss Mary L. Jones". Payable on death may be abbreviated as p.o.d.

(ii) Use a typewriter if available and fill out the bond and stub in one operation.

(iii) Enter the full names on the bond and stub. Men's names may be preceded by any applicable title. Women's names must be preceded by Mrs. or Miss. A married woman's own given name must be used, not that of her husband.

(iv) Enter the full address of the owner on the bond. The address of the coowner or beneficiary is not necessary.

(v) Enter the month and year in the upper right corner of both the bond and the stub. Stamp the date of issue with the post office dating stamp in the circles provided on the bond and its stub.

(vi) Be sure that all entries are legible and exactly the same on the bond and its stub.

(vii) Detach stub from bond. Deliver bond to purchaser and retain stub for submission by postmaster with his accounting period bond report.

(3) *Errors on bonds.* (i) If an error is discovered on a bond after it is issued, it should be returned to the postmaster for correction. If returned during the accounting period of issue, and if the error was made by the postmaster, he shall spoil the bond and stub, write the name of the office on them, and issue a new bond in its stead. He shall correct his records if necessary.

(ii) If an error is discovered after the accounting period of issue, or if the error was not the fault of the postmaster, the postmaster shall prepare a receipt for the bond in triplicate; give a copy to the owner; keep a copy; and send the original with the bond to the regional controller for reissue. The reissued bond will be mailed direct to the owner.

(4) *Errors on stubs.* If an error is on the stub only and the bond is correct, or if an inscription needs explaining (as when a feminine owner's given name is one generally accepted as masculine), an explanation shall be made on the stub. The postmaster or a designated supervisory official must initial the notation. If the address or date is omitted from a stub, the postmaster must find out from the purchaser whether the bond is complete and, if the bond is complete, insert the missing data on the stub. If the bond is not complete, the address or date must be filled in on the bond and stub. The addition shall not be initialed.

(e) *Undeliverable bonds.* Bonds issued and mailed by other agents, which are undeliverable by mail, shall be handled in the following manner:

(1) Bond shall be forwarded to the addressee if change of address is on file. If no change of address is on file or if addressee is deceased, bonds shall be returned to issuing agent without further action.

(2) Bonds that cannot be delivered or returned to issuing agent and unclaimed bonds found loose in the mail shall be held for 60 days. After 60 days, they shall be sent to the Treasury Department, Division of Loans and Currency, 536 South Clark Street, Chicago 5, Ill.

(f) *Examination of stock of bonds.* Clerks who issue bonds shall check each bond and stub to see that the denomination and serial number agree. If the stubs are attached to the wrong bonds, they must be reassembled so that the two parts of each assembly agree. The postmaster shall hold bonds that cannot be reassembled, report the discrepancy to the regional controller, and await instructions.

(g) *Certification for payment*—(1) *What to certify.* Postmasters shall not cash savings bonds but will certify them for payment if sufficient identification is furnished and if the bonds are to be forwarded by the owner to a Federal Reserve bank or to the Treasurer of the United States for payment. The

certification may be made on the bond itself or on a detached request for payment, Treasury Department Form TD 1522. Bonds that are to be presented to banks or trust companies for payment shall not be certified.

(2) *How to certify.* The certifying officer must require positive identification that the person presenting the bond is the person whose name is inscribed on the bond and must be sure there is no alteration or erasure on the bond. If the registered owner signs by mark, his mark must be witnessed by at least one disinterested person besides the certifying officer. All certificates must be in the name and title of the postmaster, followed by the certifying officer's signature and official title. The specially designated clerk or carrier must sign as "designated clerk" or "designated carrier".

(3) *Who may certify.* The following persons may certify to requests for payment on bonds: postmaster; assistant postmaster; any postal inspector; supervisor; or clerk temporarily in charge of the office, branch, or station; or any clerk or carrier specially designated by the postmaster.

(i) *Payroll savings plan*—(1) *Object.* The plan permits employees of the Postal Service to authorize withholding of salary deductions for the purchase of savings bonds. The availability of the payroll savings plan shall be made known to all employees.

(2) *Authorization.* Treasury Department Form 2254, "Authorization for Purchase of United States Savings Bonds", shall be used by employees who wish to authorize deductions from pay each pay period. The form shall be completed in detail by the employee and forwarded by the Postmaster or other official to the regional controller. The minimum deduction is $3.75 each payday. Larger allotments in multiples of $1.25 may be made.

(3) *Issuance of bond.* The regional controller will issue bond and deliver to purchaser when deductions are sufficient to pay for it. If 5 or more deductions are necessary and the bond is of the $50 or higher denomination, the issue date will be shown as the month in which one-half of the purchase price was accumulated.

(4) *Changes in authorization.* Form 1476, "Notice of Change—Authorization for Purchase of U.S. Savings Bonds", shall be used by an employee to authorize any change desired in deductions or bonds. The completed form shall be forwarded by the postmaster or other official to the regional controller.

(5) *Refund of deductions.* The regional controller will refund withheld deductions insufficient to purchase a bond if the employee is separated from the service or cancels his withholding authorization.

PART 63—POSTAL SAVINGS

Sec.
63.1 Purpose.
63.2 Opening accounts.
63.3 Ownership and privacy of accounts.
63.4 Deposits.
63.5 Making withdrawals.
63.6 Inactive accounts.
63.7 Distribution of blank certificates.
63.8 Depositors' lost, stolen, or destroyed certificates.
63.9 Office records and records of depositors' accounts.

AUTHORITY: §§ 63.1 to 63.9 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 5201–5224.

§ 63.1 Purpose.

The Postal Savings System was established to provide facilities for the deposit of savings at interest with the security of the United States Government for repayment. The Postmaster General selects and designates post offices that are to be postal savings depositories.

§ 63.2 Opening accounts.

(a) *Who may open*—(1) *Individuals.* Any person 10 years of age or over may open a postal savings account in his or her own name. Accounts are opened in the names of individuals only. No person is permitted by law to have more than one postal savings account at the same time in his own right. A married woman may open an account in her own name, and free from any control or interference by her husband. Joint accounts may not be opened nor may a beneficiary be named.

(2) *Officials in charge of bankrupt funds.* Officers and agents in charge of bankrupt funds may deposit them without limit in postal savings depositories in cases where local banks are unable or unwilling to give the required security.

(b) *How to open an account*—(1) *In person or by representative.* (i) To open an account, the applicant should apply in person at a depository post office. If, because of infirmity or for other reason, an applicant is unable to appear in person, he may apply through a representative.

(ii) The depositor shall fill out Form PS 600, "Record of Postal Savings Account," using his complete name, as "John B. Jones" or "Mrs. Mary A. Jones," or the depositor's representative shall take Form PS 600 to the depositor to fill out and return. The postal clerk shall check Form PS 600 for completeness and legibility, and have it signed in his presence if depositor applies in person. If patron's copy is not satisfactory, the clerk must prepare a Form PS 600 in proper form. Accounts shall be numbered consecutively. The depositor or the representative shall be given Form PS 301, "Certificate Envelope," and at large offices, Form PS 301–A, "Depositor's Numerical Reference Card."

(2) *By mail.* (i) In a community where there is no postal savings depository, an application to open an account may be submitted by mail to a depository post office. The money to be deposited must accompany the application, preferably by money orders, but if in cash by registered mail. The depository postmaster will issue certificates in the amount requested and mail them to the applicant.

(ii) The applicant shall complete Form PS 300–B, "Application to Open an Account by Mail." If applicant appears at a nondepository office, the postmaster shall get Form PS 300–B from the most convenient depository office. The postmaster shall certify to the identity of the applicant on the form and tell the applicant to send the completed form and the deposit, in multiples of $5, by money order or check to the depository office. Depository office shall open the account, write the name of the originating office in place of signature on Form PS 600, attach Form PS 300–B to Form PS 600, and issue and mail the certificates to the depositor. If Form PS 300–B is incorrectly filled out, the depository office will send it and the certificates to originating postmaster for correction by the depositor. The originating postmaster shall return Form PS 300–B to the depository office when corrected and then deliver the certificates to the depositor.

(3) *By agent for bankrupt organization.* Accounts may be opened in the name of a bankrupt corporation, association, or individual and certificates may be issued if the agent or officer gives the post office a statement that local banks will not give the required security for bankruptcy funds.

(c) *Identification data and signature.* Information for identifying the holder when the certificates are presented for payment must be furnished. Fingerprints may be required. When the applicant usually signs his given name or names by initials, his full name must be written on the form and the application signed twice, first using the full name and then the initials or initial in the manner in which the account is to be maintained and certificates issued.

(d) *Record of accounts*—(1) *Form.* When an account is opened, a card record is established, a number assigned the account, and the record maintained as the official record of the account at the office where opened.

(2) *Name.* The applicant's name is entered on the account card in the manner in which the account is to be maintained and certificates issued.

(3) *Change in name.* A woman who marries after opening an account, or a depositor whose name is changed by court order, should so inform the postmaster and present all outstanding postal savings certificates to him. The depositor will be required to sign the new name on the record of the account, and the postmaster will annotate the certificates to show the new name. Until the depositor presents his or her certificates for proper notation, the postmaster, if aware of the change of name by marriage or by court order, will receive no further deposits for the account nor make any partial or interest payments but will make full payment to close the account if satisfied as to the depositor's identity.

(4) *Entries.* The amount of each deposit, the amount of each withdrawal and the balance on deposit are entered on the record.

§ 63.3 Ownership and privacy of accounts.

(a) *Claims.* When there is any dispute as to ownership, or a claim by other than the depositor is made for payment of a postal savings account, the postmaster will withhold payment of with-

drawals from the account involved pending instructions from the Post Office Department in Washington.

(b) *Ownership.* The determination of any court of competent jurisdiction, unless appealed, is accepted as conclusive of title to postal savings account, and payment in accordance with such determination operates as a full and complete discharge of the United States from any further claim. An authenticated copy of the court determination must be submitted to the post office.

(c) *Privacy of accounts.* Postmasters and postal employees shall not disclose the name of any postal savings depositor nor give any information concerning a particular account to any person other than the depositor himself without specific authority, except that the balance on deposit may be given in the following circumstances:

(1) When a depositor is deceased or has been adjudged mentally incompetent, the information may be furnished to the duly appointed legal representative or next of kin.

(2) On the request of any State or county supervisor of old-age or unemployment assistance established pursuant to the Social Security Act of August 14, 1935, as amended, if the supervisor states he believes the applicant may have a postal savings account.

(3) When an applicant for relief has given written permission to representatives of relief agencies not connected with the Social Security Act of August 14, 1935, as amended, if the relief supervisor states he believes the applicant may have a postal savings account.

(4) On request of an Internal Revenue agent investigating a tax deficiency, if the agent has reason to believe the person may have a postal savings account.

§ 63.4 Deposits.

(a) *Amount*—(1) *Individual deposits.* Deposits must be made in multiples of $5.

(2) *Maximum balance.* The maximum balance permitted, exclusive of accrued interest, is $2,500, except for deposits of bankruptcy funds, where there is no limit.

(b) *Interest*—(1) *Rate.* Interest is payable at 2 percent per year.

(2) *Start.* Deposits begin to earn interest on the first day of the month following the date of deposit.

(3) *Compound interest.* Interest is compounded annually on whole dollar amounts on certificates issued on or after September 1, 1954.

(4) *Simple interest.* Certificates surrendered between annual periods, or for periods of less than 1 year, earn simple interest computed quarterly. Deposits made before September 1, 1954, earn simple interest until the certificates are surrendered or exchanged.

(5) *Collection.* The interest that accrues during any quarter is payable on or after the first day of the next quarter and may be collected by surrendering the certificate at the office of issue. However, the interest date for the certificate evidencing the redeposit will be the first day of the following month.

(6) *Taxation.* Interest credited to postal savings accounts on moneys deposited on and after March 1, 1941, is not exempt from Federal income taxes, but interest credited to postal savings accounts on moneys deposited prior to March 1, 1941, is wholly exempt from Federal income tax.

(c) *Acceptance of funds.* Funds shall be accepted the same as for money orders. (See § 61.1(b)(3) of this chapter.) A temporary stop payment notice shall be put on depositor's account card if a check is accepted. The depositor must return the certificates if the check fails to clear. Uncanceled savings stamps or old series postal savings stamps may be accepted. Funds shall be treated as postal funds.

(d) *Issuance of certificates*—(1) *As evidence of deposits.* Nontransferable and nonnegotiable certificates of deposit, in fixed denominations of $5, $10, $20, $50, $100, $200, $500, $1,000, and $2,500, are issued as evidence of deposits. Certificates as delivered to depositors when issued, and postmasters are not authorized to accept them after issue for safekeeping. The postal clerk shall:

(i) Verify account of individual kept on Form PS 600. Then enter depositor's name and account number on the certificate, and stamp the certificates with special postal savings stamp.

(ii) Issue certificates in consecutive numbers.

(iii) Record account number and date of issue on certificate book cover, and initial.

(2) *Errors on certificates.* If an error is found in a certificate after delivery to the depositor, the certificate should be returned to the issuing postmaster. The postmaster shall proceed as follows to correct errors on certificates:

(i) *Discovered during accounting period of issue.* Stamp certificates spoiled and write spoiled on cover page of certificate book opposite its serial number. Write the serial number of spoiled certificates on the daily Form 713 or Form 708, "Postal Savings Certificate Transactions Daily Summary" and on accounting period Form 704, or 714, "Postal Savings Certificate Transactions." Correct records if necessary. Send spoiled certificates with Forms 704 or 714 to the regional controller at the end of each accounting period.

(ii) *Discovered after accounting period of issue.* Make a receipt in duplicate, Form PS 305, "Depositor's Receipt for Certificates Surrendered Without Payment." (The supply of this form must be kept by the postmaster or a designated employee and delivered to the window in quantities estimated as a week's supply. Before being turned over to the window, the forms must be numbered in duplicate.) Give the original to the depositor, and file the copy with the depositor's card. Send the certificate and explanation of error to the regional controller. The regional controller will issue a new certificate with original serial number or correct the certificate and return it. Exchange the new or corrected certificate for the receipt held by the depositor. Correct the entries on the depositor's account, Form PS 600, if necessary. Match the receipt Form PS 305 returned by the depositor with the copy held with the depositor's card. Staple the two copies together, and hold both Forms PS 305 until audit by the station examiner of postal inspector.

§ 63.5 Making withdrawals.

(a) *On demand at office of issue.* All or any part of funds deposited at the office of issue may be withdrawn on demand. Immediate payment will be made, unless the amount is large and the postmaster has to obtain the necessary funds. If a withdrawal is made within 1 month from the date of issue as shown on the certificate, a service charge of 20 cents will be made for each certificate regardless of denomination.

(b) *In person.* The certificates will be paid at the office of issue if the postmaster is satisfied as to the identity of the holder. The postmaster must—

(1) Identify the depositor with the information shown on his account Form PS 600. Compare fingerprints if equipment is available.

(2) Compute interest and enter the amount due on certificate. (Use monthly interest tables, Schedule 100-B for 1939 or earlier series, and Schedule 100–C for 1954 series.)

(3) Have the depositor sign the certificates in the postmaster's presence.

(4) If the certificate is less than 1 month old, collect a 20-cent service charge and stick a 20-cent postage stamp near the right border, just above the word "thereon".

(5) Pay from postal funds, or use Treasury (symbol 0001) check where authorized.

(6) If any payment is questioned, give the depositor a receipt on Form PS 305 for the certificates, and send the account, certificates, and a statement to the regional controller.

(c) *Through a representative*—(1) *Designated on Form 304* When personal appearance is not possible, the holder of the account may designate a representative to make a withdrawal. When it has been shown to the postmaster's satisfaction that the holder cannot appear in person, the postmaster will give the representative Form 304, "Authorization to Pay Postal Savings Through a Depositor's Representative", for the depositor to fill out and sign. When the executed order and endorsed certificates are presented to the postmaster, he shall compare signature and other identification data on Form 304 with that on the Form PS 600; satisfy himself as to the identity of the applicant and of the representative and that the depositor wishes to withdraw funds; and complete transaction as stated in paragraph (b) of this section.

(2) *Powers of attorney.* Powers of attorney will be accepted only when executed by members of the Armed Forces of the United States serving abroad and must be accompanied with a statement from the attorney-in-fact that the depositor is still living and is stationed outside the United States. The papers will be submitted by the postmaster to the Department for approval and no payment will be made until he has received approval.

(d) *By mail.* Withdrawals may be made by mail, using Form 315, "Deposi-

tor's Application to Withdraw Postal Savings by Mail", which will be furnished by the postmaster. A postmaster must witness the signing of the Form 315. The depositor must mail Form 315 and the signed certificates to the office where his account is held (depository office). If the postmaster at the depository office is satisfied as to the applicant's identity, he will follow directions and instructions on Form 315, pay by check or money order, and send payment by registered mail, if requested, to the depositor—deducting any money order or registry fees. The depository office will file Form 315 with the depositor's account card, Form PS 600.

(e) *Withdrawal of bankruptcy funds.* Certificates must be endorsed by the depositing officer or agent (or his successor, whose appointment must be evidenced by a court order), and in addition may be countersigned by another individual in his representative court capacity if it is the requirement of the referee having jurisdiction over the funds in question.

(f) *By nonresident aliens*—(1) *Definition.* A nonresident alien is a depositor who sends an application for withdrawal from a location outside of the continental United States, or its possessions or military establishments. Withdrawal may be made by mail or through a representative. See paragraphs (c) and (d) of this section.

(2) *Interest on deposits.* The interest on deposits made after March 1, 1941, is subject to withholding tax if the postmaster does not have information that the depositor is a citizen of the United States.

(3) *Method of payment.* Instructions on Form 304 or 315 shall be followed. A Treasury check, drawn to the order of the Board of Trustees, Postal Savings System, for the full amount of principal and interest due, shall be sent to the Bureau of Finance (Postal Savings), together with a completed Form PS 320, "Letter Transmitting Postal Savings Payments by Mail," name and address of depositor and of representative, if any, and any new certificates. If no checking credit has been granted, the regional distributing postmaster should be asked to draw a check in favor of the Board of Trustees, Postal Savings System, and to send it to the Bureau of Finance (Postal Funds Division). The Bureau of Finance will deduct the tax and mail the payment to the depositor or representative.

(g) *By levy for deficiency in federal income tax.* (1) A postmaster served with notice of levy by Internal Revenue agent shall—

(i) Put stop payment on account and notify depositor in writing of the levy served and request surrender of all or sufficient number of certificates to satisfy tax deficiency. Have depositor endorse certificates. Pay Internal Revenue Service and obtain receipt. File receipt with Form PS 600. Pay depositor any amount due on certificates above the amount of the levy.

(2) If certificates are not surrendered as requested within 10 days from date notice was mailed, prepare Form PS 607, "Depositor's Application for New Postal Savings Certificates," for duplicates for all or sufficient number of certificates to effect payment of levy. Attach notice of levy to Form PS 607 and send to regional controller. Regional controller will reissue certificates and retain notice of levy firmly attached to Form PS 607 as authority for reissue.

(3) When duplicates are received from regional controller, pay by check drawn in favor of the Internal Revenue Service. Obtain a receipt in duplicate for total amount paid. Enter on the margin of each unindorsed certificate "Paid Internal Revenue. See receipt enclosed." Enclosed receipt will serve in lieu of endorsement on certificates. Issue and mail to the depositor a check for any funds due him on a certificate where part of the amount represented by the certificate was used in payment of the amount set forth in the levy. Enter on the margin of that certificate $_____ paid depositor by check No. _____. This will serve in lieu of a receipt.

(4) Treat paid certificates in usual manner. Annotate Form PS 600 to show that certificates were reissued and the purpose and that originals are void.

(h) *Deceased depositors*—(1) *Accounts of $20 or less.* A postmaster may, without specific authority, pay an account of $20 or less to the following upon presentation of proper evidence and written request by the applicant.

(i) Administrator or executor.

(ii) An entitled distributee or legatee on behalf of other distributees or legatees under a decree of distribution.

(iii) Surviving spouse, child, or parent, in the order named, or in the absence of any one of these, a brother or sister, if no administration on the depositor's estate has been asked for or granted.

(iv) The undertaker or other preferred creditor in the absence of administration or next of kin.

(2) *Accounts over $20*—(i) *To whom payable—(a) Accounts that do not require administration.* If a depositor dies intestate and the amount on deposit is $500 or less, or if the laws of the State in which the money is deposited provide either specifically or by court decision for the payment of a larger amount without administration, the next of kin, undertaker, person who paid the funeral expenses, or other preferred creditor may apply for payment.

(*b*) *Accounts that require administration.* When the amount on deposit is such that more than $500 will be available for distribution to heirs after allowing for payment of preferred claims, the amount due a deceased depositor in the final settlement of his account will be payable only to the legal representative appointed under the laws of the State in which the money is deposited, unless administration is not required by the State laws. Proper authority of the legal representative must be presented to the postmaster where the account is held.

(ii) *Authority for payment.* Certain large offices have been given specific authority by letter to pay accounts applied for by locally appointed administrators or executors. In all other cases at these offices and at all other offices, postmasters must report a depositor's death to the regional controller, using Form 1809, "Report of the Death or Incompetence of a Depositor", and await instructions before paying. All applications or legal papers that will be of assistance in settling the claim must be attached to the Form 1809. The following papers are necessary:

(*a*) When administration is required.

(*1*) A legal representative must submit a court order certifying his appointment within the past year.

(2) A person designated by the court to receive the account must submit Form 1680, "Application for Payment of the Postal Savings Deposits Standing to the Credit of a Deceased Depositor", with proper court order.

(*b*) When administration is not required.

(*1*) Claim by a beneficiary under a will must (if the distributable balance is less than $500 and the State does not require the will to be probated) be submitted on Form 1680 with receipts mentioned in Form 1680, a certified copy of the will, and a Form 134, "Release", by each of the beneficiaries and/or entitled next of kin.

(2) Claim by one of the next of kin entitled by law to share in the estate, or by the person who paid the funeral expenses, must be submitted on Form 1680 if depositor dies without a will and not more than $500 will be available for distribution after allowing for payment of preferred claims. (Some States permit payment of a larger amount without administration.)

(3) Claim by undertaker or other preferred creditor must be submitted on Form 1672, "Application of Undertaker for Payment of Funeral Expenses From Funds to the Credit of a Deceased Depositor", with itemized statement of services rendered and a certification of claim by a responsible heir on Form PS 115–A, "Certification of Bill from Undertaker". The undertaker's receipted bill must be submitted if claimant is other than undertaker.

(*4*) Claim by foreign consular officer must be submitted on Form PS 112, "Application of Consular Officer for Payment of the Balance Remaining to the Credit of a Deceased Depositor", if the depositor is a United States resident, dies without a will, and is survived by alien heirs residing in a foreign country who are entitled to all or part of the amount of deposit.

(3) *Payment.* The signature of the payee(s) must be obtained on each certificate and on a receipt for interest due, in the following form: "John Doe by Richard Roe" (executor, widower, guardian, or other proper title). The account must be paid in full. The office copy of Form 1809 must be completed to show the date of payment, and must be placed with the paid certificate. (Clips or staples must not be used.) The amount of payment for accounts of $20 or less shall be endorsed on the written request of the applicant, and the request shall be placed with the paid certificate. (Clips or staples must not be used.) The

regional controller shall be advised if payment cannot be made.

(i) *Legally incompetent depositors.* (1) The amount on deposit for mentally disabled or other legally incompetent depositors, other than minors, will be payable to the guardian, committee, conservator, or other legally appointed representative on presentation of proper evidence of appointment. A court order directing guardian to collect account of a minor is required before payment may be made to the guardian. When the depositor has been judicially declared incompetent and no guardian or other legal representative has been appointed and the gross value of the incompetent's estate is sufficiently small, application for withdrawal may be made by a State official or a member of the family if permissible under the laws of the State where the account is held.

(2) Postmasters at all offices shall handle claims for payment of accounts of legally incompetent depositors as provided in paragraph (h) (2) (ii) and (h) (3) of this section.

§ 63.6 Inactive accounts.

The main post office stations, and branches shall review Forms PS 600 once each year for inactive accounts and proceed as follows:

(a) Pull out accounts that have been inactive for 10 years. Turn them over to a supervisory official or designated employee to be kept separate from active accounts. The official or designated employee must keep a control record of all accounts turned over to him. When a transaction occurs in an inactive account, return the account to the active files.

(b) Report accounts inactive or unclaimed for 20 years to the regional controller, and await instructions. Count the 20 years from date of last transaction or date of depositor's reply to an inquiry on Form PS 159 (now obsolete) whichever is later.

§ 63.7 Distribution of blank certificates.

(a) *To window clerks.* Ordinarily not more than one book of blank certificates of each denomination should be furnished at one time for use at a window. On delivery of certificates to him, a window clerk must count the individual certificates and examine them for sequence of serial numbers, and agreement with the inclusive numbers on the cover.

(b) *To stations and branches.* Stations and branches should not have more than a month's supply of certificates on hand. They must order certificates from the main office on Form PS 325, "Request for Postal Savings Certificates".

§ 63.8 Depositor's lost, stolen, or destroyed certificates.

(a) *Report to postmaster.* A depositor should advise the postmaster at the office where his account is held when any of his certificates are lost, stolen, destroyed, or improperly withheld. The postmaster will furnish the depositor with a Form PS 607, "Depositor's Application for New Postal Savings Certificates". If approved, new certificates showing the same information as the originals, but marked "Reissued", will be issued. If a certificate is found after it has been reissued, it must be given to the depository postmaster.

(b) *Application for replacement.* Form PS 607, "Depositor's Application for New Postal Savings Certificates", shall be prepared if depositor knows certificate cannot be recovered, following instructions on the form. If depositor is uncertain as to what happened to his certificates, he should be asked to search again and return in 10 days to fill out Form PS 607. (Exception may be made when delay will cause depositor hardship.) The serial numbers of the certificates should be verified against those on Form PS 600. Depositors must not be asked to apply for reissue of certificates to determine if the account record is correct. Any difference between item 39 of the postal savings records and the total of the Forms PS 600 should be shown on Form PS 607.

(c) *Replacement.* The regional controller may prepare replacement certificates and forward them to the postmaster. The postmaster shall verify all entries on the new certificates, deliver to depositor, and return to regional controller any with discrepancies. He shall record reissue by writing "R" in red next to the serial number of the original entry on Form PS 600. (Use "Remarks" column on old-style Form PS 600.) Where there is sufficient staff, the postmaster must not delegate custody of reissued certificates to a clerk who issues postal savings certificates or is responsible for maintenance of postal savings accounts and records.

(d) *Disposition of recovered and undeliverable certificates.* The postmaster shall mark recovered original certificate "Canceled", enter the date; send it to the regional controller with explanation; and return undeliverable replacement certificates to the regional controller for safekeeping.

§ 63.9 Office records and records of depositor's accounts.

(a) *Recording deposits.* The postmaster shall record deposits and post new balance on Form PS 600. The serial numbers of certificates issued shall be recorded on Form 713, "Postal Savings Certificate Transactions Daily Report", where this form is used.

(b) *Recording withdrawals.* Withdrawals shall be posted on Form PS 600, showing date of transaction "paid" in "Certificate Numbers" column, total amount of principal in "Transaction Amount" column, and the balance in "New Balance" column. The transaction must be dated opposite original issue of certificate in "Date Paid" column. The paying clerk must initial in "By" column. Certificates must be stamped "paid" with special paid date stamp and initialed. A report shall be made on Form 713 or Form 708 and the paid certificates shall be sent to postmaster daily. The postmaster must send the paid certificates with Form 704 or Form 714 to the regional controller office each accounting period.

(c) *Verifying records of accounts.* The postmaster shall verify records of accounts as follows:

(1) *Daily verification.* Do not file Forms PS 600 which have been withdrawn in the day's business until the issues, payments, and extensions have been verified by adding separately the issues and payments recorded for the day and the balance to the credit of depositors before and after entry of the day's business. Check the total of the issues and total of payments against the issues and payments as recorded in Form 708 or Form 713.

(2) *Six-months' verification.* Verify the balance in item 39 of Form 704 or 714 with the total of the balances on the depositors' Forms PS 600 every 6 months. If the totals do not agree, check addition or subtraction on depositor's cards. If no error is found, check the entries on the cards with the records of certificates issued and paid. Place a dummy account card, Form PS 600, in the front of the file, on which enter the amount of the difference (circling the amount if the total of the balances of the Forms PS 600 is in excess of the amount in item 39 of the Form 704 or 714.) Report to the regional controller for additional instructions only when an unusual situation arises.

(d) *Filing and closing accounts.* The postmaster shall file and close accounts as follows:

(1) *Filing.* File the Forms PS 600 numerically by account numbers. Maintain an alphabetical cross-index card file (if many accounts) showing the depositor's name and account number.

(2) *Closing.* Mark the depositor's Form PS 600 "Account Closed" when all certificates issued to a depositor have been paid. Place in a separate file with other closed accounts in numerical order. Do not use the number of a closed account in opening a new account.

(e) *Correcting errors on records.* The postmaster shall correct errors as follows:

(1) Draw a line through an erroneous entry and initial. (Do not make the original entry illegible.) Make the correct entry on the line below or by interlining immediately above the erroneous entry.

(2) Advise the regional controller office if an error is discovered after the accounting period report has been submitted which in any way affects the accuracy of the report.

(f) *Reporting loss of records.* The postmaster shall report promptly to the regional controller any loss or major damage of postal savings records by fire, burglary, or any other cause.

SUBCHAPTER H—TRANSPORTATION OF THE MAILS

PART 92—TRANSPORTATION OF MAIL BY RAILROADS

COMPREHENSIVE PLAN A OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY CERTAIN RAILROADS

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92.11 Preparation and processing of forms for payment.
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COMPREHENSIVE PLAN B OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF THE UNITED STATES MAIL BY CERTAIN RAILROADS

92.100 Transportation of the mail.
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REGULATIONS

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92.106 Construction and maintenance of RPO cars.
92.107 Services provided by railroads.
92.108 Handling of mail.
92.109 Applicability of Comprehensive Plan B; railroads covered.

AUTHORITY: §§ 92.1 to 92.109 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6201–6215.

COMPREHENSIVE PLAN A OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY CERTAIN RAILROADS

§ 92.1 Transportation of the mail.

(a) All railway common carriers engaged in the transportation of United States mail shall transport such mail in the manner, under the conditions, and with the service prescribed by the Post Office Department and otherwise in accordance with the provisions of the Railway Mail Pay Act of 1916, as amended.

(b) Any railway common carrier desiring to be relieved of the transportation of the mail may make application to the Post Office Department accordingly, and consideration will be given to the granting of its request in whole or in part as the needs of the Postal Service will permit.

(c) Mail shall be carried upon such trains as the Post Office Department shall designate from time to time in the interest of the Postal Service, and the character of trains carrying the mails shall be that of the passenger train operating between passenger or mail handling facilities. When required by the interests of the Postal Service, the Department may provide for the movement of mail between passenger or special mail handling facilities in other than passenger trains.

(d) The transit time of trains upon which mail is transported shall be that which is maintained by the carriers for their general transportation business in connection with their published schedules.

(e) Each railway common carrier engaged in the transportation of mail is required to furnish such cars as are necessary for the service authorized or requested by the Post Office Department.

§ 92.2 Classes and nature of service.

(a) *Classes of service.* The service shall be of the following classes:

(1) *Full railway post office car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, constructed and fitted in accordance with the plans and specifications approved by the Post Office Department for the handling, distribution, storage, and delivery of mail by mobile clerks. The requirements for service in such cars shall include sanitation, cleaning, heating, lighting, and the furnishing of ice and drinking water, both in terminals and en route. When required, such cars shall be suitably placed and made available for advance distribution before train departure.

(2) *Railway post office apartment car service.* Service of this class shall be authorized in standard apartments, 30 and 15 feet in length, inside measurement. The apartment shall be separated from the remainder of the car by a partition. The requirements for service are essentially the same as in full railway post-office cars with respect to construction and furnishings, sanitation, cleaning, heating, lighting, furnishing of ice and drinking water, and the placing of apartment cars for advance distribution.

(3) *Storage car service.* Service of this class shall be requested in units of 60 feet in length, inside measurement, except as hereinafter provided, used exclusively for mails. This service is the transportation and handling of made-up mails in bulk and the requirements for this service shall include the maintenance and cleaning of the cars. The handling of mail into and from all storage cars shall be performed by employees of the railroad companies under instructions of postal employees with respect to proper routing and separation of mail.

(4) *Lesser storage unit service.* Service of this class shall be requested in the established less than full-car units of space in mixed traffic, combination, or other cars. This service shall be the transportation and handling of mail of the same type as that handled in storage car service. The requirements for lesser storage unit service are the same as for storage car service.

(b) *Nature of services.* The services which the railroads are to render in connection with mail transportation shall be as follows:

(1) Railroad companies are required to perform all necessary switching of cars; to load all mail into cars so as to obtain maximum utilization of the space authorized or requested, including the proper separation, piling, and storing of such mail; and to unload mail from all cars. Handling of all mail within railway post office cars and apartments shall be performed by postal transportation clerks.

(2) Railroad companies are required to transfer all mail between cars in the same train where such transfers are necessary and required by the Post Office Department.

(3) Railroad companies are required to take mails in transit from and deliver them to Government employees and contractors at an accessible point at railroad stations for transfer to and from post offices or railroad stations, and to transfer mails between trains operating into and out of the same railroad station, as required by the Post Office Department.

(4) Railroad companies are required to furnish all necessary facilities for caring for and handling mail, including suitable and adequate space and rooms in their stations for storing and transfer of mail in transit. They shall also furnish suitable and adequate office space for transfer clerks when required by the Post Office Department.

(5) Railroad companies are required to transport without extra charge the persons in charge of the mail and the agents and officers of the Post Office Department, under the conditions prescribed by law and regulations pursuant thereto.

(6) Railroad companies are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mail at points or stations on the run where the train does not stop and exchange of mail is necessary.

(7) Railroad companies are required to take the mails from their railroad terminals and stations and deliver them into post offices, postal stations, and Postal terminals; take the mails from post offices, postal stations, and Postal terminals, and deliver them into their railroad terminals and stations; and take the mails from their stations and deliver them into other railroad stations where the distance does not exceed 80 rods, unless other provision for this service is made by the Post Office Department.

§ 92.3 Space and equipment.

(a) *General.* (1) The anticipated space needs of the Department for railway post office car and railway post office apartment car service shall be reflected by regular authorizations which shall be restricted to the needs of the service between established railway passenger or freight division points or junctions. Regular authorizations for railway post office car and railway post office apartment car service shall be determined in accordance with such instructions as may be issued by the Postmaster General, and shall remain in effect unless and until modified as herein provided.

(2) The space needs of the Department for storage service shall be reflected by requests for storage space adequate to accommodate the mail available for dispatch on each train designated by the Post Office Department. Requests for storage service shall be restricted to the needs of the service between established railway passenger or freight division points or junctions, and shall be made in accordance with the instructions issued by the Postmaster General.

(3) Railroad companies are required to furnish railway post office service only to the extent of the regular authorizations. They are required to furnish adequate cars and space in cars for storage service to the extent necessary to accommodate the normal mail load. The normal mail load shall be the volume available on the same day of the week in

similar past traffic periods, excluding the dispatched under unusual or emergency conditions and taking into consideration reasonably predictable seasonal and other changes. Where there is storage mail in excess of the normal load and baggage or express or both to be loaded, and the available space is not sufficient to accommodate all, such mail is required to be given preference. Railroad companies will not, however, be required to unload baggage or express in order to provide space for mail in excess of the normal load. Mail in excess of the normal load which is not accommodated in the designated train shall be transported in the next train having available space therefor.

(4) The class, frequency, and distance of service to be authorized or requested shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General.

(b) *Equipment.* (1) Authorization for railway post office cars shall be for cars of the standard length of 60 feet. Authorizations for railway post office apartments shall be for the standard lengths of 30 or 15 feet, as the needs of the Postal Service require. If a railroad company is unable to furnish standard railway post office cars and apartment cars, the Department may accept nonstandard railway post office equipment as a convenience to the carriers provided compensation not exceeding pro rata pay is accepted for the facilities furnished. Any deficiency may be provided in another car in the train when necessary and in such cases full pay will be made for the standard car authorized.

(2) The Department does not require and will not authorize railway post office equipment longer than the standard lengths specified herein. However, as a convenience to the carriers, and to enable them to obtain revenue from the operation of space which otherwise might be unused, the Department will, at the carriers' request, accept the excess space beyond the standard lengths authorized for the accommodation of storage service when needed.

(3) Cars in excess of 60 feet in which a railway post office unit of 60 feet is partitioned from the remainder of the car may be accepted to fulfill an authorization for a railway post office car of 60 feet.

(4) When a railroad company is unable to furnish cars of the standard unit length requested for storage car service, the Department may accept cars which are more or less than 60 feet in length, inside measurement.

(c) *Modification of authorizations or requests.* (1) Authorizations for full railway post office car service and railway post office apartment service shall be subject to modification at any time to provide for new and additional service, discontinuance of service, or reduction in service.

(2) Requests for storage car service and lesser storage unit service shall be discontinued or reduced if necessitated by service changes, and shall be subject to modification at any time to provide for new and additional service.

(3) Requests for storage service in excess of the normal load may be made as needed.

(d) *Cancellations.* Whenever there is insufficient mail on any day to warrant the operation of an exclusive storage car which would otherwise be required to accommodate the normal load, the request for such car may be cancelled by a representative of the Post Office Department at the initial point of the run of the car. Reasonable advance notice of such cancellation shall be given to the railroad company at the initial point of the run of the car to permit the car to be removed from the train.

REGULATIONS

§ 92.4 Definitions.

(a) *Railroad or railway.* Railway common carriers do not refer to urban and interurban electric railway common carriers.

(b) *RPO.* "RPO" is the abbreviation for a railway post office. It is the only type of service to be regularly authorized by formal orders issued by the Post Office Department.

(c) *Train date.* The date a train is due to leave the initial point of the RPO or CP designation shall be used as the date for all service performed in the train. Each RPO division shall be considered separately in cases where the RPO line is divided into East, Middle and West, or North and South Divisions.

§ 92.5 General conditions of service.

(a) *Service to be performed in accordance with space rules with certain exceptions*—(1) *Deviations.* Deviations from the space rules and regulations must be in writing and must be approved by the Bureau of Transportation.

(2) *Competitive agreements.* The Department may conclude agreements with a railroad effecting economies such as mileage equalization, competitive rates, or waiver of terminal charges.

(3) *Equalization agreements.* When competing railroad lines are available for the dispatch of mail to the same destination, the Department may, for service reasons, allow the mail to remain on the longer route if the railroad agrees to claim only the mileage of the shorter route over which the mail could be carried. In these cases, an equalization agreement must be executed between the railroad operating the longer route and the Department.

(4) *Highway service in lieu of rail.* Agreements may be made whereby railroads will provide mail service over highways in lieu of service by train. Such railroad-operated highway service may be authorized to provide service to post offices on or adjacent to the rail line on which the railroad mail service has been superseded. Compensation will not be in excess of linehaul rates and terminal charges on the basis of the railroad track mileage of record. All such cases must be reported to the Bureau of Transportation so that a proper record may be made and approval given. Where a railroad has completely abandoned all service, both freight and passenger, over all or a segment of its trackage, the Bureau of Transportation will not approve continued performance of mail service over such segment in motor vehicles at railroad space rates. Service must be converted to contract highway service. Distribution and Traffic Managers shall continually review all bus and truck service operated in lieu of rail service. They shall report promptly any cases where all train service has been discontinued and tracks abandoned, with appropriate recommendations.

(5) *Approval.* All agreements shall be in writing and shall be submitted through the Distribution and Traffic Manager to the Bureau of Transportation for approval.

(b) *Mail to be carried only on designated trains.* A railroad must not carry mail on a train that has not been designated for the transportation of mail. In emergencies, local representatives of the Postal Service, or postmasters who have been authorized to do so by the Distribution and Traffic Manager, may request a railroad to provide necessary space on any train. The railroad must be informed of the issuance of such authority.

(c) *Changes in service*—(1) *Notification of changes.* Postmasters shall promptly notify the Distribution and Traffic Manager and the proper official of a railroad of any changes in service or routing of mail, including pouch changes, which affect the handling of mail. Changes affecting consist or operation of trains will be referred to the Distribution and Traffic Manager for approval and prompt notification of the proper official of the railroad.

(2) *Service changes by railroad.* When a railroad plans a withdrawal or curtailment of service it operates, which will in turn require the Post Office Department to consider substitute service, the railroad will give reasonable advance notice of the changes to the Distribution and Traffic Manager. At that time the railroad will state whether or not it is interested in continuing to perform the mail transportation service.

(d) *Withholding mail from train.* Distribution and Traffic Managers may withhold the dispatch of catalog, circular, parcel post, and ordinary paper mail, in the order named, if necessary and advisable to prevent delay to important trains or to effect economy in transportation. Such mail must be forwarded in other available trains in the most advantageous manner and with the least possible delay.

(e) *Irregularities*—(1) *RPO car maintenance.* The Post Office Department may fine a railroad in an amount not in excess of the compensation due for the service authorized, for failure to furnish an RPO car with sanitary drinking water, adequate toilet facilities, or adequate heat and light; or for failure to regularly and thoroughly clean the car, provided the railroad has been given the opportunity to correct the condition.

(2) *Service failures.* The Department may impose fines on railroad companies for each of the following delinquencies:

(i) Allowing the mail, or any part of it to become wet, lost, injured, or destroyed, or conveying or keeping the mail

in a place or manner that exposes it to depredation, loss, or injury.

(ii) Refusing, after demand, to transport mail by any suitable car, boat, or other conveyance which the railroad operates or is concerned in operating on a mail route, when space is available.

(iii) Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, or other matter, except human remains.

(iv) Habitual failure to observe schedules on its own line.

(v) Leaving mail that arrives at a station within a reasonable time before the departure of the train for which it is intended.

(vi) Failure to use the first practicable means of forwarding mail delayed en route.

(vii) Failure to sound proper signal when approaching a mail crane.

(viii) Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of transit mail in railroad station.

(ix) Habitual failure to place an RPO equipment in a station at the time specified by the Department for the advance distribution of mail.

(x) Permitting storage cars to accumulate at any point for operation in mail, or mail-express sections of non-designated trains when designated scheduled suitable prior trains are available for dispatch to destinations.

(xi) Failure to provide a sufficient number of storage cars to accomodate the normal volume of mail in designated trains, and to operate these cars expeditiously.

(xii) Failure to unload a storage car at the point of destination within the time specified by the Department when the mail is actually delayed.

(xiii) Failure to handle mail between train connections, resulting in delay in the final delivery of the mail.

(xiv) Failure to handle mail between trains and designated points for the exchange of mail with postal installations, star, mail messenger, and highway post office routes, resulting in delay in the final delivery of the mail.

(xv) Habitual failure to dispatch mail at the proper station.

(3) *Assessment of fine.* The fine in each case shall be such sum as the Postmaster General may impose, in view of the gravity of the delinquency, and shall be deducted from the railroad's pay for service on the route on which the delinquency occurred.

§ 92.6 Services required of railroads.

(a) *Cars*—(1) *Switching.* Necessary switching means the normal and usual movement of cars to and from trains for the loading and unloading of cars at railroad mail handling facilities at or adjacent to railroad terminals; the pick-up and setout of cars at en route points; and the normal and usual delivery of cars to or receipt of cars from connecting lines.

(2) *Prompt placement.* The railroad shall provide for switching and placing cars at designated mail handling facilities so as to permit prompt loading, separating and unloading of mail. If the railroad fails to perform this service, the Distribution and Traffic Manager shall initiate immediate corrective action.

(3) *Advance placement of RPO cars.* When required, railroads must suitably spot RPO cars and make them available for distribution in advance of the scheduled departure of the train at the time specified by the postmaster having jurisdiction. In most cases this should be approximately 30 minutes before the first clerk is due to start work. If advance distribution time is lost because of the railroad's failure to spot the car, the supervisor must report the failure to the District Manager.

(b) *Loading and unloading of mail*—(1) *Railroad to furnish employees.* A railroad must furnish the necessary employees to handle mail, to load and pile mail into and unload mail from storage and baggage cars, and to load mail into and receive from doorways of RPO cars. Mail intended for direct delivery to a mobile clerk must not be placed in an RPO car unless a mobile clerk or an authorized postal representative is on duty.

(2) *Time limits.* Reasonable time limits for unloading mail must be established at important railroad stations or terminals so that outgoing connections may be assured and delivery into local post offices, postal stations, or postal transportation terminals may not be delayed. In collaboration with local railroad officials, Distribution and Traffic Managers will take necessary action to establish such time limits. Railroads shall be briefed when failure to observe the time limits causes delay to mail. In all cases of continued delays, the Distribution and Traffic Manager shall make a special report to the Railway Transportation Branch, and the Distribution and Routing Division, Bureau of Transportation.

(3) *Loading delays.* Delays in loading, resulting in delayed dispatch of mail, shall be treated as provided in subparagraph (2) of this paragraph.

(c) *Train service*—(1) *Designation of trains for local service.* A railroad carrying mail must designate at least one scheduled train in each direction in each 24-hour period to stop for the dispatch and receipt of mail at any station or point serving a post office, unless relieved of this requirement by the Department. The stop may be regularly scheduled or made on appropriate signal by a postmaster or mail messenger or on notice to a conductor by a mobile clerk or baggageman. The Department may permit a railroad to transport mail by motor vehicle instead of by local rail service to satisfy this requirement.

(2) *Non-stop station service.* (i) Until proper facilities for safe exchange are provided, the train speed must be reduced or a train stop made to permit safe exchange of mail.

(ii) When mail is caught or delivered at night, a railroad must furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed and lighted. Where a railroad has no representative at a station, it must furnish the light which shall be cared for and hung by a representative of the Postal Service.

(iii) The engineer of an RPO train shall give timely notice, by whistle or other signal, when approaching a non-stop exchange point.

(iv) Where the Department deems it necessary for the safe exchange of the mail, the railroad may be required to reduce the speed or stop the train.

(d) *Station services*—(1) *Transfer office facilities.* This shall consist of suitable office space for transfer clerks to perform their duties at points designated by the Bureau of Transportation. Such offices must be kept in order by the railroad, lighted, heated, furnished, supplied with ice water, and provided with toilet facilities where such facilities are not otherwise easily accessible.

(2) *Letter boxes.* Where the public convenience is better served, the Distribution and Traffic Manager may authorize a railroad to place letter boxes in its stations for the receipt of first-class mail other than that for local delivery.

(e) *Timetables and mileages*—(1) *Timetables.* Railroads must forward timetables not less than 72 hours before taking effect, to the Distribution and Traffic Managers and postmasters having supervision over service on their lines. They must also notify these officials by telegraph if it becomes necessary to annul, curtail, or suspend service temporarily. Where a representative of the railroad is on duty, he must notify the postmaster as soon as possible after receipt of notice of any change in the schedule of a mail train.

(2) *Distance circulars.* (i) A railroad shall keep the Post Office Department informed at all times of correct mileage between all stations, junctions, or points where mail is put on and off trains. The Department shall be notified immediately of any change in trackage or other facility resulting in changes in mileage between such points. Notification shall be made by submission to the Department, in quadruplicate Form No. 2504–B, "Distance Circular Railroad Route" covering that segment of the route affected. The report shall state the correct mileage and furnish the effective date of the change. Claims for pay shall properly reflect revised mileage distances, based upon the effective dates set by the Department. Normally such changes will be effective on the first of the month following the month in which the change was made.

(ii) In addition to the notification prescribed above, a railroad, on or before January 1 of each year, shall submit to the Department, in quadruplicate, a certificate, Form 2504–C, "Certificate of Authorized Railroad Mail Trackage," prepared by the Chief Engineer stating that the mileages previously submitted to the Department, including any corrections filed during the previous calendar year, are correct in every respect.

(iii) For purposes of reporting mileages to the Department, a railroad shall measure the mileage between stations, junctions or points where mail is put on and off trains to the nearest hundredth of a mile. The measurement shall be in such a manner that the aggregate of the

mileages between the individual stations, junctions, or other points where mail is put on or off trains shall not exceed the mileage between the origin and destination of the train on which mail is authorized.

(3) *Detour service.* (i) When, for any reason, a mail-carrying train is operated between usual termini over a line other than that on which it is regularly operated, payment will be made on the basis of the regular mileage if it is the shorter. If the mileage via the detour is shorter, payment will be made on the basis of the actual mileage traveled.

(ii) When a detour occurs and a special train is operated over part of the regular run, a railroad will be required to carry in the special train any mail that can be advanced in delivery without additional compensation. The mail in such a special train will be charged to the regular train and space used determined accordingly.

(f) *Mail exchanges.* Railroads and other carriers or postal representatives must exchange mail as follows:

(1) *Between railroads.* (i) At joint stations where mail is due for transfer from the train of one railroad to that of another, unloaded mail is held to be in the custody of the outbound railroad which is responsible for the transfer.

(ii) Unless relieved of the requirement by the Department, a railroad carrying mail on its train for a connecting train is required to deliver the connection mail to the railroad operating the connecting train where the railroad stations are directly contiguous when both railroads employ representatives or when passengers or baggage are transferred. When the train connection is not immediate, the mail may be delivered to the representative of the railroad operating the departing train.

(2) *Between railroads and highway carriers.* (i) A railroad is responsible for separating mail when the mail:

(*a*) Has received an immediately prior rail haul and is due for dispatch to a Government-operated vehicle, star, mail messenger or highway post office route at a railroad station;

(*b*) Is received from a Government-operated vehicle, star, mail messenger, or highway post office route at a railroad station and is due to receive an immediately subsequent rail haul.

(ii) A railroad must provide necessary tailboard space to deliver mail that has received an immediately prior rail haul and is due for dispatch to Government-operated vehicle, star, mail messenger or highway post office route at a railroad station, and to receive mail from such vehicles due to receive an immediately subsequent rail haul, at a point accessible to such vehicles, except where other arrangements have been made by mutual agreement between the Department and the railroad. A railroad must arrange for mail to be handled promptly between trains and between railroads and electric lines and designated points at railroad stations accessible to the vehicles of Government-operated, star, mail messenger and highway post office routes.

(3) *Between railroads and electric lines.* Railroads and electric lines must transfer mail between connecting trains when they employ representatives, and the railroad station is directly contiguous to the electric car tracks, and connection is immediate.

(4) *Between postal representative and railroad at night.* (i) Where mail is due receipt or dispatch at night and a railroad employee is on duty, the railroad must retain custody and safeguard the mail until:

(*a*) Dispatch can be made to the proper train.

(*b*) Delivery can be made to a vehicle service driver, highway post office clerk, mail messenger or star route operator.

(*c*) Delivery can be made to a post office when the building is directly contiguous to the railroad property.

(ii) The Department reserves the right to require such service of a railroad at times when the regular employee of the railroad is not on duty. At railroad stations where no railroad employee is on duty, the railroad must, if deemed necessary by the Distribution and Traffic Manager, provide for the exchange of mail by means of a safe room or suitable locked box at the station.

(5) *Between trains in emergencies.* (i) If it becomes necessary for a railroad to make a transfer at the place of a wreck or washout, officials and employees of the railroad must see that:

(*a*) The mail and any mobile clerks are promptly transferred.

(*b*) Every possible convenience is furnished the clerks for working the mail.

(ii) Whenever operating conditions require that a car with mail be set out, the railroad must arrange to transfer all mail in the car to any available space in the train. However, where an important passenger train is involved and the transfer of all mail would result in serious delay, such transfer may be limited to first-class, air and registered mail, daily newspapers, special delivery and special handling. Other classes will be transferred if time permits.

(iii) Mail may be held for a following train, if it makes substantially the same connections and delivery as the first train.

(iv) Where an RPO car is set out, the clerks and mail must be transferred to other suitable cars in the train. Mobile clerks will give all possible assistance in transferring mail.

(6) *Between railroads and mail messengers.* (i) If a mail messenger is employed by the Department, a railroad may not be required to receive or dispatch mail at cars, or to place it on a crane when:

(*a*) A railroad representative is on duty and the volume of mail is small enough so the mail messenger can readily carry it by hand in one trip;

(*b*) A railroad representative is not on duty and the railroad makes sufficient trucks available to the mail messenger.

(ii) Where mail cars are not accessible to vehicles of mail messengers or other carriers, a railroad shall receive and deliver mail at points accessible to such vehicles, except as provided in subdivision (i) of this subparagraph.

(iii) A mail messenger shall call at the railroad station for incoming mail and deliver it to the post office as soon as practicable. If the arrival of the train is at night and the post office is closed, the mail may be handled as provided in subparagraph (4) of this paragraph.

(iv) A mail messenger will wait for the arrival of a train when a representative of the railroad is not on duty. At the end of two hours, he may return the outgoing mail to the post office for inclusion in the next regular dispatch. A mail messenger need not wait for a delayed train when:

(*a*) Other mail would be delayed.

(*b*) The railroad representative cannot give advance information as to the time of arrival of the train.

(*c*) The train is reported as more than two hours late. In such cases, the mail messenger may deliver the mail to the railroad's representative. The railroad is responsible for the safe dispatch of outgoing mail to the proper train and the safe delivery of incoming mail to the messenger or other authorized representative of the Department.

(7) *Between trains or on trains; holding for mail.* (i) A train shall not depart from a station and leave mail that is:

(*a*) Being loaded;

(*b*) Being trucked from vehicles or some part of the station to the train;

(*c*) Aboard a connecting train that has come to a stop in the same station.

(ii) When holding an important train for mail from a delayed connection would cause serious delay and subsequent train service is available within a reasonable period of time, the Department may authorize a time limit beyond which the important train may not be held except to load first-class mail and daily newspapers, and to load foreign mail if necessary to assure steamer connection.

(iii) A railroad must request authorization for such time limit, if desired, from the Distribution and Traffic Manager having jurisdiction of the train involved, specifying reasons and a time limit beyond which it is impracticable to hold the train. Where requests are approved by the Distribution and Traffic Manager, any delayed mail involved must be carried without compensation on a later train of the same company to the extent of any unused space in the RPO or apartment RPO car authorized on the first train. Any delayed mail in excess of the unused space in the RPO car will be charged to the train in which it is carried.

(iv) When necessary to transfer passengers, baggage, or express from one train to another, all mail must also be transferred unless the transfer is a regular connection coming within the provisions of subparagraph (1) of this paragraph and subdivisions (ii) and (iii) of this subparagraph.

(v) A mail train must not be held beyond its scheduled departure for mail originating in local postal units or offices of publication. The Distribution and Traffic Manager must fix and enforce an ample time limit in which mail must be delivered, by local postal units or a publisher, to a railroad for dispatch.

(8) *Advance deliveries to trains.* Where a railroad is responsible for the

transfer of mail from a postal unit to a train, the railroad must make advance delivery to a train when the Department requires such delivery earlier than the regular closing time of the mail.

(g) *Handling and protection of mail*—(1) *Handling mail on platforms.* Mail must not be stored on trucks and allowed to stand on platforms at local stations or transfer points unprotected from depredation. When it is necessary to place close connection mail on trucks to be left standing on platforms, the mail must be in full view of employees of the railroad at all times. The portion of a platform used for loading, unloading, and transfer of mail must be well lighted. Mail being trucked through subways and tunnels must be carefully guarded.

(2) *Holding mail in storage rooms.* Rooms in which mail is stored must be locked except when a railroad employee is on duty. Adequate light must be provided above the door, when practicable. Unauthorized employees or unknown persons shall not be allowed in the vicinity. When necessary at small stations to provide proper protection, mail must be stored in a locked room or in a room where railroad employees are present, or in a suitable locked box.

(3) *Exposing mail to weather.* Mail must not be left exposed to weather. Tarpaulins may be used for protection from weather in unusual cases or to cover mail being held on station platform trucks.

(4) *While exchanging non-stop station mail.* A railroad employee or other authorized person shall be assigned to guard mail being exchanged at non-stop stations. At non-stop points where a railroad station representative is scheduled to be on duty at the time mail is received or dispatched, he must observe the exchange of mail and, if the pouch is not caught, must retrieve it for proper disposition, except where other arrangements have been made as in paragraph (f)(6) of this section.

(5) *No smoking in storage cars.* Railroad and postal employees shall not smoke or carry lighted cigars, cigarettes, or pipes in storage cars. Distribution and Traffic Managers will take appropriate action with railroad officials in all cases where violations are reported in order to enforce this subparagraph.

(6) *Reports of failure to comply.* Postal employees must report through channels to the Distribution and Traffic Manager any failure on the part of a railroad to comply with the instructions in this paragraph.

(7) *Railroad employees handling mail regarded as agents of railroads.* At places where railroads are required to take the mail from and deliver it into post offices or postal stations or to transfer it to connecting railroads, the persons employed to perform this service shall be regarded as agents of the railroad and not employees of the Postal Service, and need not be sworn; but such persons shall be more than 16 years of age and of suitable intelligence and character. Postal officials shall promptly report any violation of this requirement to the Department.

(h) *Pay claims.* Claims for service performed must be prepared in the form and manner as prescribed by the Department in § 92.11.

§ 92.7 RPO service.

(a) *Authorizations.* This is the only class of service which is authorized by the issuance of formal orders.

(1) *Establishment or extension of service.* Distribution and Traffic Managers shall make recommendations and furnish supporting facts to the Distribution and Routing Division and the Railroad Transportation Branch concerning the necessity of establishing service on a new railroad, extending service on an existing route, or increasing or decreasing RPO space on a route to conform properly to the distribution needs of the Postal Service.

(2) *RPO mileage.* RPO mileage will be stated and paid for in accordance with the distance circulars furnished by the railroads to the Post Office Department and will reflect the regularly scheduled operation of each train. This may result in different mileages between the same points.

(3) *Restriction on railroad employees.* Train crews are not permitted to ride in RPO cars while in use, even though an oversize car is furnished.

(4) *Changes in RPO authorizations.* In changing or terminating authorizations of railway post office cars at established junction points, the following principles shall be observed:

(i) The railroad facilities at points designated for changes in RPO authorizations shall be such that an actual change in equipment may be made, should the railroad so elect. Ordinarily this shall mean that there is a terminal or yard organization that can properly care for passenger equipment, that is, a switch engine and crew, and facilities for heating and cleaning cars.

(ii) Should the railroad elect to change the equipment, it must be possible for the mobile clerks to prepare for the change and keep their distribution current.

(iii) Where a train run terminates 30 miles or less beyond the last point where RPO service is needed, the RPO or apartment car authorization will be stated through to end of the train run.

(b) *Storage space requirements*—(1) *Linear feet of storage space; current plans.* Storage space requirements in full and apartment RPO cars based on standard plans dated August 1, 1956, are as follows:

Car size:	*Linear feet of storage space*
60-foot	11′ 10″
30-foot apartment	4′ 9″
15-foot apartment	3′ 2″

(2) *Prior plan cars.* Apartment cars or full RPO cars that are 15, 30 or 60 feet in length, and that were built according to prior standard plans of the Department, are considered standard cars and not deficient in storage space.

(c) *Non-standard cars*—(1) *Undersize.* (i) Where distributing facilities are deficient, a railroad must install such additional facilities as are necessary on the particular run of the car involved but not to exceed the requirements of existing specifications. Where storage space is deficient, the entire deficiency may be made up in another part of the train and full payment for the RPO car or apartment allowed. In such case, any deficiency in storage space in the non-standard full or apartment RPO car must be taken into account in computing the total volume of storage mail in the train.

(ii) New or remodeled full or apartment RPO cars shall not be considered deficient in storage space where the clear storage space has been decreased by the installation of new or larger interior equipment.

(2) *Oversize.* (i) Where an RPO car of greater length than the unit authorized is operated, and the available storage space in the car in addition to that provided under the authorization is used to capacity, the additional space provided shall be considered as follows:

Size of RPO car operated	In lieu of authorization for	Additional space provided (measurement basis)
	Feet	*Feet*
70-foot	60	10
60-foot	30	18
30-foot	15	8¼

To obtain the additional space listed in the third column above for a 30- or 15-foot authorization, all racks not due under such authorizations must be placed in non-use position to provide storage space.

(ii) Handling of excess mail within RPO car: When excess storage mail is carried in an oversize full or apartment RPO car, the mail shall be handled by mobile clerks to and from the doorways of the car.

(iii) Count of storage mail: The volume of storage mail carried in an oversize RPO car shall be determined by count, provided that the storage mail allowance so determined does not exceed the maximum storage space available on a measurement basis.

(iv) In addition to the clear storage space due under the RPO authorization, the space in front of the doors and in the aisles in the car is considered available for the accommodation of storage mail to the extent that such space would be available in a standard car of the unit authorized.

(v) If part of the rack space due under the regular RPO authorization is not needed for distribution, and racks are placed in non-use position so that the resulting space may be utilized for storage purposes, the mail carried in such space shall not be included in the count of pieces due the clear storage space referred to in subdivision (i) of this subparagraph.

(d) *Intermediate points*—(1) *Emergency withdrawal of car.* When an RPO car is withdrawn at an intermediate point of its run because of an emergency, and mail and clerks are transferred to other cars in the train payment will be allowed as follows:

(i) Payment of the full rate will be allowed to the point of withdrawal.

(ii) From the point of withdrawal to destination, payment will be allowed for the other car space used in the train:

(*a*) At a prorate of the authorized RPO car rate based on the amount of space occupied when the mail is in the custody of the mobile clerks.

(*b*) At appropriate storage rates based on the volume of each type of storage mail carried in the train, when the mail is in the custody of railroad representatives.

(1) Additional pay will not be allowed for the later deadhead operation of the RPO car over the remainder of the run.

(2) *Advance distribution.* (i) A railroad will not be required to cut out an apartment car at an intermediate point on the authorized run of the car to substitute another car used for advance distribution.

(ii) Railroads may be required to cut out and in full RPO cars at important intermediate points of the train run where it is necessary to place a car for advance distribution. In requiring railroads to cut out and in full RPO cars, Distribution and Traffic Managers must take care to avoid delaying important mail trains.

(e) *Mail carried in RPO cars*—(1) *Mail carried in baggage cars in lieu of RPO car.* Where a mobile clerk is not on duty in an authorized RPO car until an intermediate point of the car run is reached, and mail is carried in a baggage car for the railroad's convenience from the point of RPO authorization to the intermediate point, the space in the baggage car is considered in lieu of space in the RPO car, to the extent of the volume that could be accommodated in the RPO authorization.

(2) *Loading storage mail in RPO cars.* At intermediate points, upon arrival at the station, the RPO supervisor shall promptly advise the railroad representative whether mail can be taken into the RPO car, and the amount thereof. The railroad shall offer such mail to the RPO car before loading it in storage service. When mail is so offered and is refused by the mobile clerk, and the railroad subsequently loads the mail into baggage car space, no adjustment can be made if the Postal Service ultimately discovers, just before or after the departure of the train from that particular station, that there is some vacant or unoccupied space in the RPO car. Space held in an RPO car until train departure time, for receiving connections which are finally missed, is not valid for subsequently charging mail from storage space to RPO space at that station.

(3) *Form 5061, Statement of mails loaded in storage in lieu of RPO space.* (i) When, at the initial terminal of an RPO run, mail which could be accommodated in the authorized distributing unit is loaded into the baggage car for the convenience of the railroad, such mail shall be charged to the RPO car. The supervisor of the RPO car shall use his judgment as to the number of pieces that could be accommodated in the RPO car and furnish the railroad company with this information. Form 5061 will be used for this purpose. This form shall not be issued against mail loaded in destination or destination relay storage cars, nor against mail already on the train.

(ii) At designated stops, mail which could be accommodated in the RPO car and which is loaded into baggage or working storage cars for railroad operating reasons, shall be charged to the RPO car. This includes mail the railroad preloads for its own convenience. On such preloaded mail, the RPO supervisor must exercise the option of requesting transfer with due regard to the nature of the operations at each station, such as scheduled station time, avoidance of delay to train resulting in overtime payments to employees, missed connections, et cetera. The same procedure outlined in subdivision (i) of this subparagraph shall be followed in charging mail to the RPO.

(f) *Construction and maintenance of RPO cars*—(1) *Construction standards.* (i) New or rebuilt full and apartment railway post office cars shall be constructed of steel or an equally indestructible material, and conform to Post Office Department Publication No. 19, "Specifications for the Construction of Full and Apartment Railway Post Office Cars", approved August 1, 1956, and any subsequent modification thereof. A rebuilt full or apartment RPO car is a car which has been stripped to the under frame and then reconstructed.

(ii) Full and apartment railway post office cars previously accepted for service shall not be required to be brought up to standards of current specifications in all material respects, except when operating conditions render standardization or improvements necessary. Approval must be obtained from the Bureau of Transportation before any changes are made in construction or fixtures.

(iii) Cars originally built for other traffic are not acceptable for conversion to full and apartment railway post office cars unless they are constructed or reconstructed to meet Departmental specifications fully. All conversions of this type must be approved by the Bureau of Transportation, before work is started.

(iv) Post Office Department Form 5292, Certificate of Construction, shall be furnished to the Bureau of Transportation, for each new or rebuilt mail car, by the principal mechanical officer of the railroad. Form 5292 shall be furnished for cars originally built for other traffic, prior to approval of their conversion to postal cars, when requested by the Bureau of Transportation.

(2) *Inspection by Departmental representatives.* (i) New, rebuilt and repaired railway post office cars shall be inspected by representatives of the Department in accordance with instructions issued by the Bureau of Transportation.

(ii) Railroads and car-building companies shall advise the Bureau of Transportation concerning proposed new construction or rebuilding of railway post office cars and the dates when such cars will be ready for inspection.

(iii) Railroads shall notify the proper Distribution and Traffic Manager when cars are received at any of their shops for repairs, so that a representative from the Distribution and Traffic Manager's office may inspect such cars and call attention to needed repairs and improvements. Notice shall also be given as to the date cars are to be "out-shopped," so that an inspection may be made by the Distribution and Traffic Manager's representative if considered necessary.

(iv) Railroads shall not "out-shop" or return to service any full or apartment railway post office car unless requested changes, improvements and repairs have been made in a manner acceptable to the Postal Service.

(3) *Maintenance; water and sanitation.* (i) Drinking water shall be furnished in accordance with the requirements and standards of the United States Public Health Service.

(ii) Fresh water and ice shall be supplied at all times in railway post office cars being used for the distribution of mail.

(iii) Toilet paper shall be provided in all cars.

(iv) The water coolers, hoppers and fixtures in railway post office cars shall be thoroughly cleaned after each trip and en route as often as may be necessary, when cars are in continuous service for more than 24 hours.

(4) *Operational standards.* All facilities and equipment in full and apartment railway post office cars shall be provided, operated and maintained within the minimum standards of Post Office Department Publication 19, Specifications for the Construction of Full and Apartment Railway Post Office Cars, and any subsequent modification thereof.

(5) *Light failures.* When the primary lighting system fails to provide sufficient illumination to allow distribution for a period of more than 30 minutes, it shall be regarded as a total light failure. When insufficient light retards or renders distribution difficult for a period of 30 minutes or less, it shall be regarded as a partial light failure.

(g) *Operation of RPO cars in trains*—(1) *Car strength.* Full and apartment railway post office cars shall be equal or superior in construction strength to other cars operated in a train.

(2) *Operation in mixed trains.* In "mixed trains" the railway post office car shall be operated in the rear-end consist, followed only by a passenger coach or caboose.

(3) *Operation in consist.* When practicable, one or more cars shall be operated between the locomotive and the railway post office car.

(4) *Use restrictions.* Cars, or parts of cars, bearing the legend "United States Mail," or "U. S. Mail," shall be reserved exclusively for carrying the mail and shall not be used for other classes of traffic, unless the legend is obliterated.

§ 92.8 Storage service—line haul.

(a) *General*—(1) *Classes.* Storage service is composed of storage car service and lesser storage unit service.

(2) *Determination of service needs.* Local postal transportation and railroad officials shall collaborate in establishing storage service needs as required to insure the expeditious transportation, movement, and terminal handling of mail. Railroads shall provide

for the transportation of storage mail as thus determined.

(b) *Measurement of cars*—(1) *Standard length.* A standard storage car shall have an inside length of 60 feet without obstructions, and shall provide at least 8 feet 6 inches in width and 7 feet in height of clear storage space.

(2) *Deductions.* If there are interior fittings or obstructions, deductions shall be stated against the inside length of the car. Deductions to compensate for interior fittings in storage cars will be computed on the basis of 42 cubic feet being equal to one linear foot of floor space. This basis will be used whether the car is loaded with an aisle 18 inches wide or is loaded solid.

(3) *Official car register.* (i) The Bureau of Transporation will publish an official car register and corrections thereto listing all cars normally used in the transportation of storage mail. This register will show the inside length, the mail pay length, and the inside width and height of cars which are less than 8 feet 6 inches in width or provide less than 7 feet in piling height. The railroads will furnish this information promptly to the Post Office Department.

(ii) Railroads will also promptly furnish the Department with the above information on new or rebuilt cars usable for storage mail service, and on any changes in the mail pay length of storage cars resulting from the installation or removal of interior fittings.

(4) *RPO cars used for storage.* Under the specifications for the construction of RPO cars dated August 1, 1956, the following deductions will be made for space occupied by letter cases, racks, boxes and other interior fittings that are not removed when RPO cars are used as storage cars.

Car size	Car plan	Deduction in linear feet
60-foot	R	21
	T	23
	T-1	25
	T-2	26
30-foot apartment	S	9
	W	13
15-foot apartment	X	6

(c) *Loading and spacing of storage cars*—(1) *Loading.* (i) Storage cars shall be loaded solidly at initial points of the run as far as practicable, observing all safety regulations and leaving only such doorways or aisles as are needed en route to handle mail. In storage cars provided with safety rods, the mail shall be piled to the safety rods as long as mail is available for loading. In loading mail into baggage cars, safety devices shall not be obstructed. In cars not provided with safety rods, mail shall be piled to an average height of 8 feet provided mail is available for loading. Cars providing 7 feet or less in height shall be loaded to the ceiling, or to safety devices.

(ii) When it is desired to maintain an aisle and free doorways to permit unobstructed passage of clerks or trainmen in the performance of their duties, the aisle should not exceed 18" in width, and shall extend only through as much of the car as is necessary. A 3-foot allowance will be made for each such doorway as is necessary, when the volume of mail in the car exceeds 30 feet. In such "open" or "working" cars, one end of the car, or that part of the car between the doorways, should be loaded solid without aisle, if practicable. With due regard for necessary separations mails shall be piled to the same height as in solidly loaded storage cars. In computing the percentage of load in such "open" or "working" cars, a 60-foot storage car will be considered as loaded 60 feet when it is filled to capacity except for essential aisle and doorways and any separations (stalls) not completely filled because of the need for maintaining designated separations.

(iii) Where mail for dispatch at intermediate points is carried in through storage cars, it shall be piled to permit prompt dispatch at such points to avoid unnecessarily delaying the train. However, separations that do not require the use of more than one-half of a stall shall be combined with other separations, if it is feasible to make further separation of the mail en route between points of dispatch. The number of separations maintained or required shall be reviewed frequently to meet changed conditions. Any unnecessary separations shall be discontinued in order to utilize the space as efficiently as possible.

(2) *Weight limitations.* (i) A 60-foot storage car with a weight-carrying capacity of not less than 60,000 pounds or 1,000 pounds per linear foot is required. Storage cars provided by railroads for regular movements of mixed mail shall be capable of loading to 1,000 pounds per foot or to their full cubical capacity whenever mail is available.

(ii) Car weight capacity limitations must be observed in all loadings. When a railroad stops loading a car because of weight limitations before the capacity is reached, pro rata footage shall be allowed for the mail in the car. The footage shall be based either on the space occupied by the mail as compared to a fully loaded 60-foot storage car, or the approximate weight of the mail as compared to the weight-carrying capacity of 60,000 pounds, whichever is greater.

(d) *Failure to move mail in regularly designated train*—(1) *Service by other than regularly designated train.* When for operating reasons or because of delayed connections a railroad transports mail on a different train than that on which the same railroad has been designated to carry it, the mail will be charged to the train on which actually carried. When a railroad desires to forward mail on a train not due to receive it from one station to another station for dispatch from the latter station, permission may be granted with the understanding that the movement shall be without additional compensation and that no delay will result to the mail.

(2) *Overtaken train.* When one mail-carrying train is overtaken by another and mail is combined and forwarded from that point in a single train, payment will not be allowed for the non-mail carrying train beyond the merger point.

(3) *Missed connections.* Where mail misses connection and there is no representative of the Postal Service to authorize movement of such mail, the railroad may carry the mail on an undesignated train that can be used to advantage.

(4) *Fast and local train.* When, for postal service reasons, mail is delivered by fast train at a certain point from which it is forwarded or returned on a local train to a local point, payment will be allowed in both trains between appropriate points. When mail is dispatched on a local train from a local station and delivered to a fast train at a certain point, payment will be allowed in the local train between appropriate points and in the fast train from point of receipt.

(e) *Lesser storage unit service*—(1) *Railroad and electric car lines.* Points of intersection between railroad lines and electric car lines are not considered as junction points.

(2) *Performance.* Lesser storage unit service may be performed independently or in conjunction with storage car service.

(3) *Basis for determining lesser unit.* The number of linear feet needed on both sides of baggage, storage or oversize RPO or apartment cars for carrying the mail in lesser storage units of 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30 feet shall be determined on the basis of the number of pieces (sacks and outside parcels combined) that will fill 3 linear feet of space on both sides of the car as determined in the last biennial test. Where the space unit is determined by count, each box of baby chicks shall be considered equivalent to one piece.

(f) *Method of determining mail load*—(1) *Several cars.* Where mail is carried in several cars in a train the total volume of storage mail in the train shall be determined by adding the volume transported in storage service in all cars operating in the train, including destination and destination relay cars.

(2) *Determination of volume in car.* The volume of mail in a car must be determined by:

(i) Count, when the linear feet of space occupied by the mail is 30 feet or less.

(ii) Measurement, when the linear feet of space occupied by mail is more than 30 feet.

(iii) Measurement, in those cases where the linear feet of space occupied by the mail is 15 feet or more when mutually agreed to by the Department and the railroad.

(iv) Measurement reflecting the inside length of a car or compartment of a car when the car or compartment is fully loaded.

(3) *Count versus footage computations.* Where the mail in a car exceeds 30 feet by count, but actually occupies 30 linear feet or less of space, the volume of mail is considered as 30 feet. Once the unit of space has been determined as 30 feet, such unit must be considered to be theoretically filled. Any additional mail added to that carried in the car

shall be added to the 30 foot arbitrary unit. If there is a net increase in mail loaded at intermediate points between division or junction points, it will be added to the 30 feet, making it necessary to respace the car and allow credit for the maximum footage carried between the division or junction points.

(4) *Measurement and count cars.* Where mail is carried in two or more cars operated in the same train, some cars on the measurement basis and others on the count basis, total all pieces in the count cars, convert to feet, and combine with footage in other cars to determine volume carried in the train. Cars computed in accordance with subparagraph (3) of this paragraph will be considered as measurement cars.

(5) *Descending load.* A descending load is a load which decreases from a storage car containing more than 30 feet of mail by measurement to a lesser storage unit (count basis). To determine the volume of mail in a storage car leaving intermediate points after the car has departed from a junction or division point where the volume of mail was determined by measurement (that is, where more than 30 linear feet of space was occupied by the mail subject to a compact loading), the count equivalent of the estimated measured load will be the basis for adding the mail loaded and subtracting the mail unloaded by pieces as indicated on the train baggagemen's report. If it regularly develops that the mail runs out before the count or converted footage equivalent, or vice versa, the car must be respaced at agreed points on the run. This will be done either by a transfer clerk or PTS road supervisor, and, if the railroad so desires, in conjunction with a railroad employee. This reestimate will correct the count or converted footage equivalent at that point and will stand as the base count to the next reestimate point or to the end of the line.

(6) *Ascending load.* An ascending load is a load which increases from a lesser storage unit (count basis) to a storage car containing more than 30 feet of mail. For line-haul purposes the volume of mail shall be determined by count with due regard for the provisions of subparagraph (3) of this paragraph covering the determination of 30 feet of space under circumstances where the count footage equivalent and actual space occupied differ. The footage conversion shall not exceed the inside length of the car or compartment.

NOTE: The footage of mail in destination and destination relay cars is used for line haul purposes—not the inside length of the cars.

(7) *Exceptional.* In those exceptional circumstances where the volume of mail transported in a train is carried solely in solidly loaded destination and/or destination relay storage cars, no other mail space is available and the volume of mail exceeds 60-feet or even multiples thereof, payment shall be allowed for no more than the maximum mail footage furnished and used as follows:

(i) When the residual footage exceeds 30 feet, it will be stated as the appropriate prorate of a 60-foot car.

(ii) When the residual footage is 30 feet or less, the appropriate lesser storage unit will be allowed, provided the inside length of the solidly loaded car or cars is equal to a 60-foot unit or units plus an exact lesser unit of storage space.

(iii) When the residual footage is 30 feet or less, and the inside length of the solidly loaded car or cars is not equal to a 60-foot unit or units plus an exact lesser unit of storage space, the 60-foot unit or units plus the prorate of the appropriate lesser unit of storage space will be allowed. Example: A fully loaded 70-foot destination car is the only mail space available in the train—allow a 60-foot car and 10/12ths of a 12-foot lesser unit; Two 40-foot fully loaded destination cars are the only mail space available in the train—allow a 60-foot car and 20/21sts of a 21-foot lesser unit.

(8) *Mail carried by in error.* Mail carried by a station in error by a railroad and returned on another train shall not be counted for line-haul compensation.

(g) *Placards*—(1) *Railroad employees.* Railroad employees shall placard cars loaded at points where transfer clerks are not located. Form 5111 shall be used to placard this type of car.

§ 92.9 Terminal and piece handling services.

(a) *Storage service—per car charges*—(1) *Basis.* The terminal charge per car is stated in an amount per 60-foot storage car. This amount is prorated when so provided in this section.

(2) *Determining volume.* Where more than 30 feet of mail is loaded at a point into two or more cars operated in the same train, the loading into some cars being recorded on a count basis and into some cars on a measurement basis, total all pieces recorded as being loaded by count, convert to feet, and combine with footage loaded into other cars to determine the footage allowable for terminal charge purposes.

(3) *Mail left in car at destination.* When a storage car is received at the final destination point of its placarded run and mail for a particular point beyond the destination is contained in the car and the car is not fully unloaded, but by mutual agreement between the railroad and Distribution and Traffic Manager the mail is left in the car and the car is filled out and transferred to another train, the railroad is entitled to a prorate of the car terminal charge on the basis of mail actually unloaded at the point. For destination and destination relay cars this prorate will be computed as the allowable inside length of the car minus the footage of mail left in the car. The loading railroad is entitled to a loading charge only on the basis of mail actually loaded at that point.

(b) *Storage service—per piece charges; ascending load.* Terminal charge volume will be determined on a count basis for all mail loaded into an ascending load, where the volume loaded is 30 feet or less. At any point where the count of mail loaded exceeds an equivalent of 30 feet, payment for the terminal service at that point will be made on the basis of the prorate of a 60-foot per car terminal charge.

(c) *Interline movements of working storage cars and lesser units; at same rate level.* In the case of storage service other than destination storage car and destination relay storage car service, involving movement between two or more carriers with the same rate level, the combined loading and unloading charges shall be applied at the point of loading for mail interchanged with another railroad, and payment shall be made to the loading railroad only. Where the mail is loaded at a joint terminal, payment shall be made to the railroad performing the immediately subsequent line-haul service. The unloading railroad shall look to the loading railroad for any payment adjustments due.

(d) *Exceptions to application of terminal and piece handling charges*—(1) *Storage cars and lesser units.* Terminal charges are not allowed for rehandling of mail when:

(i) A railroad orders a car out of service after mail has been loaded for onward dispatch to destination.

(ii) The receiving railroad at an interchange point refuses to operate a car because of size, type or bad order and transfer of the mail to another car is required.

(iii) Mail is carried by a station in error and returned in another train.

(2) *RPO cars.* The per piece charge will not apply to mail loaded into a standard or oversize RPO car or apartment while mobile clerks are on duty, except that one-half of the per piece charge will apply to the number of pieces loaded into an RPO car when:

(i) Loaded by railroad employees prior to the origin of clerks' run.

(ii) Unloaded by railroad employees at points beyond the end of clerks' run.

(3) *Loading stopped by railroad.* Where for any reason a railroad fails to load a storage car to its space capacity and mail is available for loading, pro rata pay will be allowed on the basis of the space capacity load on the placard and Form 5118 shall be endorsed "MA-643." However, where the weight of the mail is exceptionally heavy and a car satisfactory to the Department is furnished, full payment may be allowed for less than space capacity load.

(4) *Loading by other than railroad employees.* Loading as used in this paragraph, is defined as loading, separating, and piling in the car.

(i) *At plants.* (*a*) The loading charge will not apply to destination and destination relay cars when loaded by plant employees. The origin point will indicate by symbol "PL" on Form 5121 and the placard that the cars are plant loaded.

(*b*) When mail is loaded by plant employees, the terminal charge will not apply for loading. The proper unloading charge shall be credited to the originating railroad, and the originating railroad shall make proper interline settlement for these charges, except as otherwise provided in Interstate Commerce Commission Orders.

(ii) *By star route and mail messenger contractors.* (*a*) When all mail at a point is loaded by a contractor, terminal

charges shall be credited in the same manner as for plant loaded storage cars and lesser storage units.

(b) When only a portion of the mail is loaded by a contractor and the remainder by railroad employees, the full terminal charge will be credited to the railroad for all mail loaded.

(iii) *By mobile clerks in storage cars at intermediate points.* When storage mail is transferred between storage cars and RPO cars, or loaded in or unloaded from storage cars at intermediate points by mobile clerks, the full terminal charge will be allowable on mail so transferred or handled.

§ 92.10 Side and mail messenger service.

(a) *Route measurement.* In all cases the distance between the railroad station or terminal and postal unit must be measured by the shortest route open to public travel, avoiding angles, from the nearest door of the baggage room to the nearest door of the postal unit involved. Where there is no baggage room or station, the measurement must be made from the middle of the station platform. The route need not be a regularly used public way, and, if over private property, no prohibition against the Government shall hold that has not also been made and enforced against the public.

(b) *Railroad employees.* Persons employed to handle mail where a railroad is required to receive and deliver mail from the Post Office or postal stations or to transfer mail to connecting railroads must be regarded as agents of the railroad and not employees of the postal service. They need not be sworn but must be of suitable character and intelligence and more than 16 years of age. Postmasters must promptly report any violation of this requirement to the Department.

(c) *Discontinuance notice.* A railroad must give thirty days' notice to the Department of the discontinuance of any agency handling mail or the removal of a station beyond the 440-yard limit. A railroad must not be relieved of the duty of handling mail unless this advance notice is given.

(d) *Departmental service.* The Department will provide for the transportation of mail to and from postal units located: More than 440 yards from the nearest railroad station or terminal; 440 yards or less from the nearest railroad station or terminal where a representative of the railroad is not on duty.

(e) *Time of service.* The Department reserves the right to require the performance of such service by a railroad representative at any time during the 24-hour period.

(f) *Contract letting.* Where railroads contract for such service, contracts shall be let to the lowest responsible bidder upon advertisement, in accordance with the provisions of the regulation governing Mail Messenger Service.

§ 92.11 Preparation and processing of forms for payment.

(a) *Forms prepared by railroad companies—(1) Form 1034—Public Voucher for Purchases and Services Other Than Personnel, and 1034A—Memorandum Copy of Form 1034.* These forms will be furnished and prepared by railroads. The form will be used to claim the total amount due for RPO and for storage line-haul service performed on each railroad route.

(2) *Form 2531—Report of Railroad Mail Service Performed.* This form is used for the submission of claims for RPO service. It will be furnished and prepared by the railroad. It will be attached to Form 1034.

(3) *Form 2533—Claim for Terminal and Station Mail Handling Service.* This is a summary form furnished and prepared by the railroad in duplicate, and supported by Forms 2535 and 2535–A.

(4) *Form 2535, Monthly Report of Destination and Destination Relay Storage Car Footage Loaded and Unloaded.* This form will be furnished and prepared in triplicate by the railroad.

(5) *Form 2535–A, Monthly Report of Working Storage Car Footage Loaded and Pieces Loaded.* This form will be furnished and prepared in triplicate by the railroad.

(6) *Train Baggageman's Report.* This form is provided by each individual railroad under its own number and format.

(b) *Forms prepared by railroads and/or postal service—(1) Form 5121—Daily Report of Destination and Destination Relay Cars.* These forms shall be used for destination, destination relay, and for other storage cars moving over lines having different rate levels. They shall be prepared in quintuplicate, daily, at all stations or mail originating points designated by a Regional Transportation Manager, by a transfer clerk, or by a railroad representative where no transfer clerk is employed. A separate set of forms shall be prepared for each district and for each railroad at stations where more than one railroad or RPO line operates. Each completed set of forms must be signed daily by the transfer clerk and railroad representative, or by the railroad representative where no transfer clerk is employed.

(2) *Form 5122—Daily Report of Working Storage Cars and Lesser Storage Units.* This form will be prepared and distributed in the same manner as Form 5121.

(3) *Form 5373—Statement of Space Used.* (Replaces present Forms 5365 and 5369 on "Space Used" routes.) On many trains the size of the storage unit is fairly static over the period of a month. On such trains Form 5373 may be used instead of Form 5372. Form 5373 will be used primarily on the smaller trains carrying a total of 30 feet of mail or less, in one or two cars. Forms 5373 will usually cover the entire month's operation of each such train. For RPO trains, the form will be prepared in triplicate in the postal district office from data taken from trip reports, Forms 5122, train baggageman's reports, and other records. For CP trains, railroads will prepare the form in triplicate.

§ 92.12 Applicability of Comprehensive Plan A; railroads covered.

Sections 92.1 to 92.11 shall apply to the following railroads:

Alabama Great Southern Railroad Co. (The).
Albany & Northern Railway Co.
Atchison, Topeka & Santa Fe Railway Co. (The).
Atlantic Coast Line Railroad Co.
Baltimore & Ohio Railroad Company (The).
Bangor and Aroostook Railroad Company.
Canadian National Railway Company.
Canadian National Railway Co.—Lines in Minnesota.
Canadian Pacific Railway Company.
Carolina, Clinchfield & Ohio Railway, Lessees: Atlantic Coast Line Railroad Co.; Louisville & Nashville Railroad Co.
Central of Georgia Railway Co.
Central Railroad Company of New Jersey (The).
Central Vermont Railway, Inc.
Chesapeake and Ohio Railway Co. (The).
Chicago & North Western Railway Co.
Chicago, Burlington & Quincy Railroad Co.
Chicago Great Western Railway Co.
Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
Chicago, Rock Island & Pacific Railroad Co.
Cincinnati, New Orleans & Texas Pacific Railway Co. (The).
Colorado & Southern Railway Co. (The).
Delaware and Hudson R. R. Corp. (The).
Delaware, Lackawanna and Western Railroad Company (The).
Denver & Rio Grande Western Railroad Co. (The).
Duluth, Missabe & Iron Range Railway Co.
Duluth, South Shore & Atlantic Railroad Co.
Duluth, Winnipeg & Pacific Railway Co.
Erie Railroad Company.
Florida East Coast Railway Co.
Fort Worth and Denver Railway Co.
Georgia Northern Railway Co. (The).
Georgia Railroad.
Georgia Southern & Florida Railway Co.
Grand Trunk Western Railroad Company.
Great Northern Railway Co.
Gulf, Colorado & Santa Fe Railway Co.
Gulf, Mobile & Ohio Railroad Co.
Illinois Central Railroad Co.
Kansas City Southern Railway Co. (The).
Lehigh Valley Railroad Company.
Long Island Rail Road Company (The).
Louisiana & Arkansas Railroad Co.
Louisville & Nashville Railroad Co.
Minneapolis & St. Louis Railway Co. (The).
Minneapolis, St. Paul & Sault Ste. Marie Railroad Co.
Missouri-Kansas-Texas Railroad Co.
Missouri-Kansas-Texas Railroad Co. of Texas.
Missouri-Pacific Railroad Co.
New Orleans and Northeastern Railroad Co.
New York Central Railroad Company (The).
New York, Chicago and St. Louis Railroad Company (The).
New York, New Haven & Hartford Railroad Company (The).
Norfolk and Western Railway Company.
Northern Pacific Railway Co.
Northwestern Pacific Railroad Co.
Oregon Trunk Railway.
Panhandle & Santa Fe Railway Co.
Pennsylvania Railroad Company (The).
Pennsylvania-Reading Seashore Lines.
Pittsburgh and Lake Erie Railroad Company (The).
Reading Company.
Richmond, Fredericksburg & Potomac Railway Company.
St. Louis-San Francisco Railway Co.
St. Louis, San Francisco & Texas Railway Co.
St. Louis Southwestern Railway Co.
Seaboard Air Line Railroad Co.
Southern Pacific Co.
Southern Railway Co.
Spokane, Portland & Seattle Railway Co.
Tennessee Central Railway Co.
Texas & New Orleans Railroad Co.
Texas & Pacific Railway Co. (The).
Texas-New Mexico Railway Co.
Union Pacific Railroad Co.
Vermont and Province Line Railroad Company.

Wabash Railroad Co.
Western Maryland Railway Company.
Western Pacific Railroad Co. (The).
Western Railway of Alabama (The).
White Sulphur Springs & Yellowstone Park Railway Co.
Wisconsin Central Railroad Co.

COMPREHENSIVE PLAN B OF THE POSTMASTER GENERAL FOR THE TRANSPORTATION OF UNITED STATES MAIL BY CERTAIN RAILROADS

§ 92.100 Transportation of the mail.

(a) All railway common carriers engaged in the transportation of United States mail shall transport such mail in the manner, under the conditions, and with the service prescribed by the Post Office Department, and otherwise in accordance with the provisions of the Railway Mail Pay Act of 1916.

(b) Any railway common carrier desiring to be relieved of the transportation of the mail may make application to the Post Office Department accordingly, and consideration will be given to the granting of its request in whole or in part as the needs of the Postal Service will permit.

(c) Mail shall be carried upon such trains as the Post Office Department shall designate from time to time in the interest of the Postal Service, and the character of trains carrying the mails shall be that of the passenger train operating between passenger or mail handling facilities. When required by the interests of the Postal Service, the Department may provide for the movement of mail between passenger or special mail handling facilities in other than passenger trains.

(d) The transit time of trains upon which mail is transported shall be that which is maintained by the carriers for their general transportation business in connection with their published schedules.

(e) Each railway common carrier engaged in the transportation of mail is required to furnish such cars as are necessary for the service authorized by the Post Office Department.

§ 92.101 Classes and nature of service.

(a) *Classes of service.* The service shall be of the following classes:

(1) *Full railway post office car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, constructed and fitted in accordance with the plans and specifications approved by the Post Office Department for the handling, distribution, storage, and delivery of mail by postal transportation clerks. The requirements for service in such cars shall include the sanitation, cleaning, heating, lighting, and the furnishing of ice and drinking water, both in terminals and en route. When required, such cars shall be suitably placed and made available for advance distribution before train departure.

(2) *Railway post office apartment car service.* Service of this class shall be authorized in standard apartments, 30 and 15 feet in length, inside measurement. The apartment shall be separated from the remainder of the car by a partition. The requirements for service are essentially the same as in full railway post office cars with respect to construction and furnishings, sanitation, cleaning, heating, lighting, furnishing of ice and drinking water, and the placing of apartment cars for advance distribution.

(3) *Storage car service.* Service of this class shall be authorized in standard cars, 60 feet in length, inside measurement, except as hereinafter provided, used exclusively for mails. This service is the transportation and handling of made-up mails in bulk and the requirements for this service shall include the maintenance and cleaning of the cars. The handling of mail into and from all storage cars shall be performed by employees of the railroad companies under instructions of postal employees with respect to proper routing and separation of mails.

(4) *Lesser storage unit service.* Service of this class shall be authorized in less than full-car units of space in mixed traffic, combination, or other cars. This service shall be the transportation and handling of mails of the same type as those handled in storage cars. The requirements for lesser storage unit service are the same as for service in storage cars.

(b) *Nature of services.* The services which the railroads are to render in connection with mail transportation shall be as follows:

(1) Railroad companies are required to perform all necessary switching of cars; to load all mail into cars so as to obtain maximum utilization of the space authorized, including the proper separation, piling, and storing of such mail; and to unload mail from all cars. Handling of all mail within railway post office cars and apartments shall be performed by postal transportation clerks.

(2) Railroad companies are required to transfer all mails between cars in the same train were such transfers are necessary and required by the Post Office Department.

(3) Railroad companies are required to take mails in transit from and deliver them to Government employees and contractors at an accessible point at railroad stations for transfer to and from post offices or railroad stations, and to transfer mails between trains operating into and out of the same railroad station, as required by the Post Office Department.

(4) Railroad companies are required to furnish all necessary facilities for caring for and handling mails, including suitable and adequate space and rooms in their stations for storing and transfer of mails in transit. They shall also furnish suitable and adequate office space for transfer clerks of the Postal Transportation Service when required by the Post Office Department.

(5) Railroad companies are required to transport without extra charge the persons in charge of the mails and the agents and officers of the Post Office Department and Postal Service, under the conditions prescribed by law and regulations pursuant thereto.

(6) Railroad companies are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mails at points or stations on the run where the train does not stop and exchange of mails is necessary.

(7) Railroad companies are required to take the mails from their railroad terminals and stations and deliver them into post offices, postal stations, and Postal terminals; take the mails from post offices, postal stations, and Postal terminals, and deliver them into their railroad terminals and stations; and take the mails from their stations and deliver them into other railroad stations where the distance does not exceed 80 rods, unless other provision for this service is made by the Post Office Department.

§ 92.102 Authorizations.

(a) *General.* (1) The anticipated space needs of the Department shall be reflected by regular authorizations which shall be restricted to the needs of the service between established railway passenger or freight division points or junctions. Regular authorizations shall be determined in accordance with such instructions as may be issued by the Postmaster General. Regular authorizations for railway post office cars and railway post office apartments shall remain in effect unless and until modified as provided in this section. Regular authorization for other classes of service shall be effective for a period of one calendar month, subject to modification or cancellation of service as provided in this section.

(2) Excess service may be requested of railroad companies in trains in which no unit of space is regularly authorized or in trains in which the regularly authorized space is inadequate to accommodate the mails available for dispatch. Requests for excess service shall be restricted to the needs of the Service and shall be made in accordance with the instructions issued by the Postmaster General.

(3) Railroad companies are required to anticipate the needs for service only to the extent of the regular space authorizations. Where there are excess mails and baggage or express or both to be loaded, and the available space is not sufficient to accommodate all, the mails must be given preference. Railroad companies will not, however, be required to unload baggage or express in order to provide space for the excess mail.

(4) The class, frequency, and distance of service to be authorized shall be determined in accordance with the needs of the Postal Service and under such rules and regulations or instructions as shall be prescribed by the Postmaster General.

(b) *Equipment.* (1) Authorization for railway post office cars shall be for cars of the standard length of 60 feet. Authorizations for railway post office apartments shall be for the standard lengths of 30 or 15 feet, as the needs of the Postal Service require. If a railroad company is unable to furnish standard railway post office cars and apartment cars, the Department may accept nonstandard railway post office equipment as a convenience to the carriers provided compensation not exceeding pro rata pay is accepted for the facilities fur-

nished. Any deficiency may be provided in another car in the train when necessary and in such case full pay will be made for the standard car authorized.

(2) The Department does not require and will not authorize railway post office equipment longer than the standard lengths specified herein. However, as a convenience to the carriers, and to enable them to obtain revenue from the operation of space which otherwise might be unused, the Department will accept the excess space beyond the standard lengths authorized for the accommodation of lesser storage unit service when needed.

(3) Cars in excess of 60 feet in which a railway post office unit of 60 feet is partitioned from the remainder of the car may be accepted to fulfill an authorization for a railway post office car of 60 feet.

(4) When a railroad company is unable to furnish cars of the standard length authorized for storage car service, the Department may accept cars less than 60 feet in length, inside measurement, provided compensation not exceeding pro rata pay is accepted for the length of the car furnished. The Department may accept storage cars of greater length than the standard, provided compensation not exceeding pro-rata pay is accepted in accordance with rules and regulations of the Postmaster General.

(c) *Modification of authorizations.* (1) Authorizations for full railway post office car service and railway post office apartment service shall be subject to modification at any time to provide for new and additional service, discontinuance of service, or reduction in service.

(2) Regular authorizations for storage car service and lesser storage unit service shall not be discontinued or reduced during the calendar month unless discontinuance or reduction in the service is necessitated by service changes. Regular authorization for storage car service and lesser storage unit service shall be subject to modification at any time to provide for new and additional service.

(3) Requests for excess service may be made at any time during the calendar month.

(d) *Cancellations.* (1) Whenever there is insufficient mail on any day to warrant the operation of a full storage car, the regular authorization may be cancelled by a representative of the Post Office Department at the initial point of the run of the car. Reasonable advance notice of such cancellation shall be given to the railroad company at the initial point of the run of the car to permit the car to be removed from the train.

(2) Authorizations for classes of service other than full storage car service shall not be cancelled during the calendar month.

REGULATIONS

§ 92.103 Definitions.

(a) "Railroad" refers to railway common carriers and does not refer to urban and interurban electric railway common carriers.

(b) "RPO" means a railway post office.

(c) "Regularly authorized service, regular authorization," and "regular service" are synonymous terms and refer to service authorized by formal orders issued by the Post Office Department.

(d) "Excess service, excess space, additional service," and "emergency service" are synonymous terms and refer to service which temporarily becomes necessary in a train.

(e) "Train date:" When a train arrives at its destination on the day following departure from the initial point, the date the train is due to leave the initial point of the RPO designation shall be used as the date for all service performed in the train. Each RPO division shall be considered separately in cases where the RPO line is divided into east, middle and west, or north and south divisions.

§ 92.104 Authorizations.

(a) *Establishment or extension of service.* Distribution and Traffic Managers shall make recommendations and furnish supporting facts to the Post Office Department concerning the necessity of establishing service on a new railroad, extending service on an existing route, and increasing or decreasing space on a route to conform properly to the mail carried.

(b) *Regular service*—(1) *Formal orders.* Regular service is authorized through formal orders issued by the Post Office Department. Mail must not be carried on any railroad on which mail service has not been authorized.

(2) *Authorized monthly.* (i) The regular unit of an original authorization shall be the smallest unit that will accommodate the mail on 50 percent or more of the trips in any calendar month on the days of the week on which mail is regularly carried.

(ii) Whenever a regular authorization of less than 30 feet of storage space is exceeded on more than 50 percent of the trips in any calendar month:

(*a*) But not beyond the capacity of a 30-foot unit, the appropriate higher unit of 30 feet or less which would have accommodated the mail on 50 percent or more of the trips shall be authorized.

(*b*) Beyond the capacity of a 30-foot unit, a full storage car of appropriate length of 60 or 70 feet shall be authorized on the days of the week on which the lesser storage unit is exceeded on more than 50 percent of the trips on such days.

(iii) Whenever a regular authorization of 30 feet of storage space is exceeded on more than 50 percent of the trips on a particular day of the week in any calendar month, a full storage car of the appropriate length of 60 or 70 feet shall be authorized on such day.

(iv) A regular authorization of 30 feet or less shall be reduced to the appropriate smaller unit which would have accommodated the mail on more than 50 percent of the trips in any calendar month.

(v) A regular authorization of a full storage car shall be reduced:

(*a*) From a 60-foot car to the appropriate lesser storage unit on any day of the week on which a lesser storage unit would have accommodated the mail on more than 50 percent of the trips on such days of the week in any calendar month.

(*b*) From a 70-foot car to a 60-foot car or the appropriate lesser storage unit on any day of the week on which a 60-foot storage car or a lesser storage unit would have accommodated the mail on more than 50 percent of the trips on such days of the week in any calendar month.

(vi) Where 70-foot cars are regularly operated and more than 60 feet of storage space is regularly needed for the accommodation of mail in a 70-foot exclusive car, a 70-foot car shall be authorized on the days of the week on which such car was needed.

(vii) Where mail is carried from the initial terminal in several cars in a train and the cars are diverged to different lines or set out at some point on the run, a unit of space of sufficient size to accommodate all mail transported in the several cars shall be authorized from the initial point to the point of divergence or set out. Where the volume of mail exceeds the capacity of a storage car, a storage car and an appropriate lesser unit shall be authorized.

(viii) An authorization shall be restated to include or omit a particular day of the week when during the previous calendar month:

(*a*) No service was authorized and mail was carried on more than 50 percent of the trips on such a day.

(*b*) Service was regularly authorized and no mail was carried on 50 percent or more of the trips on such a day.

Regular authorizations of all classes of service shall be omitted on holidays and days after holidays when service is not needed on such days. When a holiday falls on a Sunday and is observed on the following Monday, the holiday will be considered as applying to the Monday date.

(ix) Only mail considered as regularly due a train shall be taken into account in setting up regular authorizations under the application of the 50 percent rule.

(x) Changes in regular authorizations, based upon the operation of the 50 percent rule, in any month, except December, shall become effective on the first day of the succeeding month.

(c) *Excess service*—(1) *Requests.* Excess service is authorized by special request of a representative of the Postal Transportation Service or by action of a railroad representative at points where there is no representative of the Postal Transportation Service as provided in subdivision (vi) of this subparagraph. Observe the following when requesting additional space:

(i) At points where a designated postal representative is available and the regularly authorized space in a train is inadequate to accommodate all mail offered for dispatch on a particular trip, the designated postal representative must notify the railroad that additional space is needed at the point where the excess mail is to be loaded.

(ii) When an additional or excess full storage car is needed, the postal representative must:

(a) Request the railroad (at the point where the car is needed) to provide an additional 60- or 70-foot car, as appropriate.

(b) Name the established railway passenger or freight division point or junction to which the car is to be run.

(c) Inform the car supervisor (in the case of an RPO train) of the point to which the additional car is requested, so that its use may be discontinued at that point.

(iii) An additional or excess car must not be terminated at a point intermediate to the point designated in the original request.

(iv) When excess mail is carried in two or more cars in a train, a single request must be made for a unit of sufficient size to cover the entire excess carried. This does not affect the provisions governing requests for a 60-foot storage car in lieu of a lesser unit, or for a 70-foot storage car in lieu of a 60-foot storage car or a lesser unit.

(v) Requests by postal representatives for excess space and cars shall be made to a responsible representative of the railroad at the point where excess mail develops. The space used must be shown on Form 5121, Daily Report of Destination and Destination-Relay Cars, and Form 5122, Daily Report of Working Storage Cars and Lesser Storage Units. Form 5365, Record of Excess Space, must be issued to cover excess space required.

(vi) At points where there is no representative of the Postal Transportation Service, the baggageman on a train on which space is regularly authorized must accept and count all mail. The railroad must issue Form 5369, Report of Mail Carrier in Excess of Space Authorized, to show the number of pieces of excess mail and the points between which they were carried and, if from a missed connection, whether from a train of the same railroad.

(2) *Date on excess space request.* A request for excess space in a train must bear the date of issuance at the top and the train date in the body of the form. See § 92.103(e).

(3) *Mail to be carried only on authorized trains.* A railroad must not carry mail on a train on which there is no regularly authorized space, unless emergency space is authorized by proper representative of the Postal Transportation Service. Where conditions warrant, a postmaster may be authorized by a regional or district transportation manager to request excess space in a train with no regularly authorized space. The railroad must be informed of the issuance of such authority.

(d) *Storage car service*—(1) *Mail carried in mixed traffic cars under storage car authorizations.* Where mail is carried in mixed traffic cars under a storage car authorization, either regular or excess, and an exclusive car is not furnished, pro rata payment will be based on the mail carried except when:

(i) More than 30 feet, line haul payment will not be less than the rate for a 30-foot lesser storage unit.

(ii) 30 feet or less, line haul payment will be made for the appropriate lesser storage unit.

(2) *Storage car cut out at intermediate point.* Where it is necessary to cut out a storage car at an intermediate point on its run on account of accident or other operating reason and the car is subsequently operated through to destination in service on a following train, full payment will be allowed. However, no payment will be allowed for a unit of excess space which becomes necessary on the regular train because of the withdrawal of the regular storage car, unless the quantity of mail carried in the excess unit is more than that which could have been accommodated in the regularly authorized storage car.

(e) *Diversion of mail from one train to another.* Where, because of the diversion of mail from one train to another, the size of the authorized unit of storage space is increased or decreased on a date other than the first day of any month (except December), changes in space authorizations under the 50 percent rule shall:

(1) Be made on the basis of the mail carried from the date the size of the unit was changed to the last day of the month provided that the number of days in such period is not less than 14; and

(2) Become effective on the first day of the succeeding month.

(f) *Allowances for missed connections.* When a delayed connection between trains of the same railroad causes mail due on one train to be dispatched on a following train, transportation of the mail is considered as in lieu of part of the service required on the first train. Additional pay will not be allowed for either train unless the quantity of mail carried in both trains exceeds that which could have been accommodated in the space regularly authorized.

(g) *Service by other than regular train.* The transportation of mail by a railroad on a different train than that on which the same railroad is regularly authorized to carry it will be considered as in lieu of the regularly authorized service when for operating reasons it is dispatched:

(1) On an earlier train;

(2) On another train but over a different line;

(3) On a special or extra train, made up to depart either at the time of the regular train or after arrival of the delayed connection, when the mail carried is that which would have been carried on the regular train if its schedule had been maintained; or

(4) On a subsequent train in which space is not regularly authorized, upon annulment of the regular train.

Additional pay will not be allowed unless the quantity of mail carried exceeds that which could have been accommodated in the space regularly authorized.

(h) *Service by fast train for forwarding or returning to a local point.* When mail is delivered by fast train at a certain point from which it is forwarded or returned on a local train to a local point, a unit of space will be authorized in the local train to carry such mail. When mail is dispatched on a local train from a local station and delivered to a fast train at a certain point, an appropriate unit of space will be authorized in the local train. However, when a railroad desires to forward mail on a train not due to receive it from one station to another station for dispatch from the latter station, permission may be granted with the understanding that the movement shall be without additional compensation and that no delay will result to the mail.

(i) *Combined service by railroad and vessel.* Where service is operated by a railroad partly by rail and partly by vessel and a postal transportation clerk accompanies the mail over the entire run, the line haul rate allowable on the rail mileage shall apply to the vessel mileage. If the clerk does not accompany mail over the water part of the route, that part of the route shall be authorized as storage service.

§ 92.105 Space requirements and determinations.

(a) *Space requirements*—(1) *Standard full and apartment RPO cars.* Storage space requirements in full and apartment RPO cars, based on standard plans dated April 1, 1949, are as follows:

Car size:	*Linear feet of storage space*
60'	11' 10"
30' Apt	4' 9"
15' Apt	3' 2"

(2) *Nonstandard and oversize RPO cars.* (i) Where a RPO car of lesser length than the unit authorized is furnished and such car provides sufficient distributing facilities for the particular run of the car, pro rata pay will be allowed on the basis of the length of the car furnished as compared with the authorized unit. Where distributing facilities are deficient, a railroad must install such additional facilities as are necessary on the particular run of the car involved.

(ii) Where an RPO car of greater length than the unit authorized is operated and the available storage space in the car in addition to that provided under the authorization is used to capacity, the additional space provided shall be considered to be as follows:

Size of car operated	In lieu of authorization for—	Additional space provided (measurement basis)
70'	60'	10'
60'	30'	18'
30'	15'	8' 3"

(iii) Where the authorization provides for a 30- or 15-foot apartment car, all racks not due under such authorizations must be placed in nonuse position to provide storage space.

(iv) Full payment will be allowed for a passageway or part-width apartment car operated in lieu of a standard apartment car if the number of square feet of floor space provided is equal to or greater than that in a standard car of the size authorized. Pro rata pay will be allowed, on the basis of the square feet of floor space provided, where the

floor space is less than that in a standard car. Where there is a deficiency in storage space and the entire deficiency is needed and is made up in another part of the train, full payment will be allowed on the basis of the number of square feet of floor space furnished in the train.

(v) Where a railroad is unable to furnish a standard full or apartment RPO car and operates a nonstandard car in lieu of that authorized, pro rata pay is allowed on the basis of the storage space furnished as compared with that due. When necessary, the entire deficiency may be made up in another part of the train and full payment allowed. Any deficiency in storage space in the nonstandard full or apartment RPO car must be taken into account in determining the size of an additional unit of storage space needed.

(b) *Space determinations*—(1) *In oversize RPO cars.* Space in an oversize car shall be determined as follows:

(i) Lesser storage units accommodated in the excess space in an oversize RPO full or apartment car must be determined by count. Payment shall not be allowed in any case for more than the actual inside length of the car.

(ii) When an oversize full or apartment RPO car is furnished to fill an authorized unit of RPO car space of 30 feet or 15 feet, respectively, the clear storage space under the authorization must be determined by count. The pieces due must be based on the storage space requirements in standard RPO cars under the specifications dated April 1, 1949, and the results of the biennial tests.

(iii) In addition to the clear storage space due under the authorization, the space in front of the doors and the aisles in the car is considered available for the accommodation of storage mail to the extent that such space would be available in a standard car of the unit authorized.

(iv) New or remodeled full or apartment RPO cars shall not be considered deficient in storage space where the clear storage space has been decreased by the installation of new or larger interior equipment.

(2) *In lesser storage units.* The number of linear feet needed on both sides of baggage, storage, or oversize RPO or apartment cars for carrying the mail in lesser storage units of 3, 6, 9, 12, 15, 18, 21, 24, 27, and 30 feet shall be determined on the basis of the number of pieces (sacks and outside parcels combined) that will fill 3 linear feet of space on both sides of the car as determined in the last biennial test. Where the space unit is determined by count, each box of baby chicks shall be considered equivalent to one piece. Payment shall not be allowed in any case for more space than the actual inside length of the car.

(3) *Where mail is carried in several cars.* Where mail is carried in two or more cars in the same train under a storage car authorization, either regular or excess, the volume of mail in a car must be determined by:

(i) Count, when the linear feet of space occupied by the mail is 30 feet or less.

(ii) Measurement, when the linear feet of space occupied by mail is more than 30 feet.

(iii) Measurement, in exceptional cases where the linear feet or space occupied by the mail is 15 feet or more, when mutually agreed to by the Department and the railroad.

(4) *Where mail is carried in baggage cars.* Where a postal transportation clerk is not on duty in an authorized RPO car until an intermediate point is reached, and mail is carried in a baggage car for the railroad's convenience from the point of authorization to the intermediate point, the space in the baggage car is considered in lieu of space in the RPO car. No additional authorization is made.

(5) *Measurement of cars.* Under the specifications for the construction of RPO cars dated April 1, 1949, the following deductions will be made for space occupied by letter cases, racks, boxes and other interior fittings which are not removed when the RPO cars are used as storage cars.

Car size	Car plan	Deductions in linear feet
60′	R	12′
	T	20′
	T-1	22′
	T-2	24′
30′ Apt.	S	7′
	W	11′
15′ Apt.	X	4′

§ 92.106 Construction and maintenance of RPO cars.

(a) *Construction*—(1) *Standards.* (i) New full and apartment railway post office cars shall be constructed of steel or an equally indestructible material, and conform to the Departmental specification approved April 1, 1949, and any subsequent modification thereof, in construction and arrangement.

(ii) Full and apartment railway post office cars previously accepted for service shall be brought up to standards of the current specification mentioned, in all material respects, wherever operating conditions render strengthening, standardization, or improvements necessary. Approval must be obtained from the Director, Railway Transportation Branch, before any changes are made in construction or fixtures.

(iii) Cars originally built for other traffic are not acceptable for conversion to full and apartment railway post office cars unless they are constructed or reconstructed to fully meet Departmental specifications. All conversions of this type must be approved by the Director, Railway Transportation Branch, before work is started.

(iv) Post Office Department Form 5292, Certificate of Construction, shall be furnished to the Director, Railway Transportation Branch, for each new and rebuilt steel or steel underframe mail car, by the principal mechanical officer of the railroad.

(v) The ends and underframe of steel underframe apartment railway post office cars shall conform to the Departmental specification for all-steel cars. The section moduli of the metal vertical and members shall not be less than 65, distributed as required by the specification.

(vi) Superstructure of steel underframe cars shall conform to former Plan No. 1, or the specification of August 25, 1914, when reinforced by metal vertical end members. Steel shapes may be used as framing members of the superstructure. Steel sheathing applied to the superstructure on the outside of the car shall not be rated as an additional strength factor.

(vii) Cars that do not meet the above underframe and superstructure requirements shall not be rated as "steel underframe."

(2) *Use of steel and steel underframe cars.* (i) Cars operated in full railway post office authorizations shall be of all-steel construction.

(ii) Only apartment railway post office cars of steel construction shall be operated in trains where a majority of the cars are of steel construction.

(iii) Steel underframe railway post office apartment cars shall not be operated between steel cars, nor between the locomotive and a steel car adjoining, nor in any train where a majority of the cars in the train are of steel construction. Except as provided in subdivisions (iv) and (v) of this subparagraph, all railway post office apartment cars shall be at least equal in construction strength to a majority of the other cars in the train.

(iv) Steel underframe railway post office apartment cars shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914, for mainline operation in heavy trains (more than four cars) or on fast schedules (averaging more than 27 miles per hour between termini). Steel underframe railway post office apartment cars having suitable reinforcement on both ends, but only limited reinforcement on the longitudinal sills, may be operated in branch line trains or in light trains (not exceeding four cars) on main lines where the average speed is not more than 27 miles per hour.

(v) Steel underframe railway post office apartment cars operated in "mixed" trains or as trailers to self-propelled cars shall be substantially equal in construction to former plan No. 1 or the specification of August 25, 1914. In "mixed trains" the railway post office car shall be operated in the rear-end consist, followed only by a passenger coach or caboose. Full-length metal draft gear shall be applied to these cars when deemed necessary.

(vi) One or more cars shall be operated between the locomotive and the railway post office car when practicable.

(3) *Inspection by departmental representatives.* (i) New, rebuilt and repaired railway post office cars shall be inspected by representatives of the Department in accordance with instructions issued by the Director, Railway Transportation Branch.

(ii) Railroad and car-building companies shall advise the Director, Railway Transportation Branch, concerning proposed new construction or rebuilding of railway post office cars and the dates

when such cars will be ready for inspection.

(iii) Railroad companies shall notify the proper Distribution and Traffic Manager when cars are received at any of their shops for repairs, so that a representative from the Regional Manager's office may inspect such cars and call attention to needed repairs and improvements. Notice shall also be given as to the date cars are to be "outshopped", so that an inspection may be made by the Distribution and Traffic Manager's representative if considered necessary.

(iv) Railroad companies shall not "outshop" or return to service any full or apartment railway post office car unless requested changes, improvements and repairs have been made in a manner that is acceptable to the Postal service.

(b) *Maintenance*—(1) *Water and sanitation.* (i) Drinking water containers installed in full and apartment railway post office cars shall be of a type which conforms to the standard fixtures specification and has been approved by the Director, Railway Transportation Branch and the United States Public Health Service.

(ii) Drinking water shall be furnished in accordance with the requirements and standards of the United States Public Health Service.

(iii) Fresh water and ice shall be supplied at all times in railway post office cars being used for the distribution of mail.

(iv) Flushing hoppers shall be installed in new and rebuilt full and apartment railway post office cars in accordance with the standard fixtures specification. Flushing hoppers shall be installed in old cars in a manner considered satisfactory by the Director, Railway Transportation Branch.

(v) Toilet paper shall be provided in all cars.

(vi) The water coolers, hoppers and fixtures in railway post office cars shall be thoroughly cleaned after each trip and en route, as often as may be necessary, when in continuous service for more than 24 hours.

(2) *Lighting and heating.* (i) All cars and parts of cars used in mail service shall be equipped with light fixtures, and adequately lighted in accordance with the standard specification, including auxiliary lights for use when there is a primary lighting system failure.

(ii) Railway post office cars or apartments shall be lighted by electricity as the primary system when any of the passenger, baggage, or express cars regularly operated in a train are lighted by electricity.

(iii) When the primary lighting system fails to provide sufficient illumination to complete distribution for a period of more than 30 minutes, it shall be regarded as a total light failure. When insufficient light retards or renders distribution difficult for a period of 30 minutes or less, it shall be regarded as a partial light failure.

(iv) A storage battery of the required capacity shall be provided on each electrically lighted full or apartment railway post office car whether the car is equipped with an axle-generator or supplied from a head-end system.

(v) Electric fans shall be installed in all electrically lighted full and apartment railway post office cars.

(vi) Heating shall be provided in all full and apartment railway post office cars in accordance with the standard construction specification.

(vii) Guards shall be constructed and installed over heat pipes and radiators as required by the specification, in order to prevent damage to the mail.

(viii) Stoves shall not be installed in full and apartment railway post office cars without the approval of the Director, Railway Transportation Branch. Stoves which are not of a safety type approved by the Department, shall not be accepted as auxiliary heating systems. Such stoves shall be equipped with safety features which include automatic door fastener for the stove doors (double doors preferred), baffle plate to prevent fire or live coals from escaping through the smoke-flue opening, and metal casing to prevent overheating objects which may closely surround the stove.

(3) *Legend to be placed on all RPO cars.* (i) Full and apartment railway post office cars shall be lettered on the outside in accordance with the specification for railway post office cars. Cars, or parts of cars, bearing the legend "United States Mail," or "U. S. Mail," shall be reserved exclusively for carrying the mail and shall not be used for other classes of traffic.

(ii) Two properly framed "No admission" notices shall be placed in each full railway post office car, and one notice in each apartment post office car. These notices shall be located where they may be readily observed on entering the cars at the side doors.

§ 92.107 Services provided by railroads.

(a) *Railroad employees*—(1) *To load and unload mail.* A railroad must furnish the necessary employees to handle mail, to load and pile mail into and unload mail from storage and baggage cars except as provided in § 92.108(c)(3) and (d), and to load mail into and receive mail from doorways of RPO cars. Mail intended for delivery to a postal transportation clerk must not be placed in an RPO car unless a postal transportation clerk or an authorized postal representative is on duty.

(2) *As agents of railroads.* Persons employed to handle mail where a railroad is required to receive and deliver mail from post offices or postal stations or to transfer mail to connecting railroads must be regarded as agents of the railroad and not employees of the Postal Service. They need not be sworn but must be of suitable character and intelligence and more than 16 years of age. Postmasters must promptly report any violation of this requirement to the Department.

(3) *Restriction on railroad employees.* Train crews must not be permitted to ride in RPO cars while in use, even though an oversize car is furnished.

(b) *Special trains*—(1) *Designation of trains for local service.* A railroad carrying mail must designate one scheduled train in each direction in every 24-hour period to stop for the dispatch and receipt of mail at any station or point serving a post office, unless relieved of this requirement by the Department. The stop may be regularly scheduled or made on appropriate signal by a postmaster or mail messenger or on notice to the conductor by a postal transportation clerk or baggageman. A railroad may be permitted, under conditions approved by the Department, to transport mail by motor vehicle instead of local rail service.

(2) *For those detoured.* (i) When, for any reason, a mail-carrying train is operated between usual termini over a line other than that on which it is regularly operated, payment will be made on the basis of the regular mileage if it is the shorter. If the mileage via the detour is shorter, payment will be made on the basis of the actual mileage traveled.

(ii) When a detour occurs and a special train is operated over part of the regularly authorized run, a railroad will be required to carry in the special train any mail that can be advanced in delivery without additional compensation, if the volume of mail in both trains does not exceed that which could have been accommodated in the regularly authorized space.

(c) *Transfer office facilities.* Railroads shall furnish suitable office space for transfer clerks to perform their duties at points designated by the Department. Such offices must be kept in order by the railroad, lighted, heated, furnished, supplied with ice water, and provided with toilet facilities where such facilities are not otherwise easily accessible.

(d) *Timetables and distance circulars*—(1) *Timetables.* Railroads must forward timetables, not less than 72 hours before taking effect, to the regional and district transportation managers of the Post Office Department having supervision over service on their lines. They must also notify these officials by telegraph if it becomes necessary to annul, curtail, or suspend service temporarily. Where a representative of the railroad is on duty, he must notify the postmaster as soon as possible after receipt of notice of any change in the schedule of a mail train.

(2) *Distance circulars.* (i) A railroad shall keep the Post Office Department informed at all times of correct mileage distances between all stations, junctions, or points where mail is put on and off trains. The Department shall be notified immediately of any change in trackage or other facility resulting in changes in mileage distances between such points. Such notification shall be made by submission to the Department, in quadruplicate, of a railroad distance circular, Form No. 2504–B, covering that segment of the route affected. The report shall state the correct distances and furnish the effective date of any change. Claims for pay covering the month following that in which changes in mileage distances occurred shall properly reflect the revised mileage distances.

(ii) In addition to the notification prescribed above a railroad on or before January 1 of each year shall submit to the Department, in quadruplicate, a certificate prepared by the Chief Engineer stating that the mileage distances previously submitted to the Department, including any corrections filed during the previous calendar year, are correct in every respect.

(iii) For purposes of reporting mileage distances to the Department, a railroad shall measure the mileage between stations, junctions, or points where mail is put on and off trains to the nearest hundredth of a mile. The measurement shall be in such a manner that the aggregate of the distances between the individual stations, junctions, or other points where mail is put on or off trains shall not exceed the distance between the origin and destination of the train on which mail is authorized.

(e) *Letter boxes.* Where the public convenience is better served, the Department may authorize a railroad to place letter boxes in its stations for the receipt of first-class mail other than that for local delivery.

(f) *Protection of mail by railroads—*(1) *Facilities for protection.* A railroad is required to furnish all necessary facilities for the proper protection and handling of mail in its custody.

(2) *Handling mail on platforms.* Mail must not be stored on trucks and allowed to stand on platforms at local stations or transfer points unprotected from depredation. When it is necessary to place close-connection mail on trucks to be left standing on platforms, the mail must be in full view of employees of the railroad at all times. The portion of a platform used for loading, unloading, and transfer of mail must be well lighted. Mail being trucked through subways and tunnels must be carefully guarded.

(3) *Holding mail in storage rooms.* Rooms in which mail is stored must be locked except when a railroad employee is on duty. A strong light must be provided above the door, and unauthorized employees or unknown persons shall not be allowed in the vicinity. When necessary at small stations to provide proper protection, mail must be stored in a locked room or in a room where railroad employees are present.

(4) *Exposing mail to weather.* Mail must not be left exposed to weather. Tarpaulins may not be used for protection from weather except in unusual cases or to cover close connection mail being held on station platform trucks.

(5) *While exchanging nonstop station mail.* A railroad employee or other authorized person shall be assigned to guard mail being exchanged at nonstop stations. At nonstop points where a railroad station representative is scheduled to be on duty at the time mail is received or dispatched, he must observe the exchange of mail and, if the pouch is not caught, must retrieve it for proper disposition.

(6) *No smoking in storage cars.* Railroad employees must not smoke or carry lighted cigars, cigarettes, or pipes in storage cars. Distribution and Traffic Managers will take appropriate action with railroad officials in all cases where violations are reported in order to enforce this regulation.

(7) *Reports of failure to comply.* Postal employees must report to the district transportation manager any failures on the part of a railroad to comply with the instructions in this paragraph.

(g) *Withdrawal of car at intermediate point.* (1) Where a RPO car is withdrawn at an intermediate point of its run because of an emergency and mail and clerks are transferred to other cars in the train, payment of the full rate will be allowed to the point of withdrawal. Additional pay will not be allowed for later deadhead operation over the remainder of the run.

(2) From the point of withdrawal to destination, payment will be allowed for the car used:

(i) At a prorate of the RPO car rate based upon the amount of space occupied as compared with the amount superseded when accompanied by PTS clerks.

(ii) At lesser storage unit rates based on the volume of mail carried when in the care of railroad representatives.

(3) A railroad will not be required to cut out an apartment car at an intermediate point on the authorized run of the car to substitute another car used for advance distribution.

(h) *Irregularities.* (1) The Post Office Department may fine a railroad an amount not in excess of the compensation due for the service authorized for failure to furnish an RPO car with sanitary drinking water, adequate toilet facilities, or adequate heat and light; or failure to regularly and thoroughly clean the car, provided the railroad has been given the opportunity to correct the conditions.

(2) The Department may impose fines on railroads for other delinquencies, including:

(i) Allowing the mail, or any part of it, to become wet, lost, injured, or destroyed, or conveying or keeping the mail in a place or manner that exposes it to depredation, loss, or injury.

(ii) Refusing, after demand, to transport mail by any car, boat, or other conveyance which the railroad operates or is concerned in operating on a mail route.

(iii) Leaving or putting aside the mail, or any part of it, for the accommodation of passengers, baggage, express, or other matter.

(iv) Habitual failure to observe schedules.

(v) Leaving mail which arrives at a station within a reasonable time before the departure of the train for which it is intended.

(vi) Failure to use the first practicable means of forwarding delayed mail.

(vii) Failure to sound proper signal when approaching a mail crane.

(viii) Failure to furnish proper accommodations for the handling, storage, and, if necessary, the distribution of mail in a railroad station.

(ix) Failure to place an RPO car in a station at the time specified by the Department for the advance distribution of mail.

(x) Permitting storage cars to accumulate at any point for operation in mail, or mail express, sections when suitable trains are available for dispatch to destinations.

(xi) Failure to operate regularly authorized storage cars in designated trains.

(xii) Failure to unload a storage car at the point of destination within the time specified by the Department when the mail is actually delayed.

(3) The fine in each case shall be such sum as the Postmaster General may impose, in view of the gravity of the delinquency, and shall be deducted from the railroad's pay for service on the route on which the delinquency occurred.

§ 92.108 Handling of mail.

(a) *Receipt—*(1) *Advance deliveries to trains.* Where a railroad is responsible for the transfer of mail from a postal unit to a train, the railroad must make advance delivery to a train when the Department requires such delivery earlier than the regular closing time of the mail.

(2) *Holding trains for loading.* (i) A train shall not depart from a station and leave mail which is:

(*a*) Being loaded.

(*b*) Being trucked from vehicles or some part of the station to the train.

(*c*) Aboard a connecting train that has come to a stop.

(ii) When holding an important train for mail from a delayed connection would cause serious delay and subsequent train service is available within a reasonable period of time, the Department may authorize a time limit beyond which the important train may not be held except to load first-class mail and daily newspapers, and to load foreign mail if necessary to assure steamer connection, as follows:

(*a*) A railroad must request such authorization, if desired, from the Distribution and Traffic Manager having jurisdiction of the train involved, specifying reasons and a time limit beyond which it is impracticable to hold the train.

(*b*) Where requests are approved by the Distribution and Traffic Manager, any delayed mail involved must be carried without compensation on a later train to the extent of the unused space authorized on the first train. Additional pay is allowed only when the mail carried exceeds the volume which could have been accommodated in the regularly authorized space.

(iii) A mail train must not be held beyond its scheduled departure for mail originating in local postal units or offices of publication. The Postal Service must fix and enforce an ample time limit in which mail must be delivered to a railroad for dispatch.

(iv) At joint stations where mail is due for transfer from the train of one railroad to that of another, unloaded mail must be held to be in the custody of the outbound railroad which is responsible for the transfer.

(v) When it is necessary to transfer passengers, baggage, or express from one train to another, all mail must also be transferred unless the transfer is a regular connection coming within the provisions of subdivision (ii) of this subparagraph.

(3) *Withholding mail from train.* Regional transportation managers may withhold from dispatch catalog, circular, parcel post, and ordinary paper mail, in the order named, if necessary and advisable to prevent delay to important trains or to effect economies in transportation. Such mail must be forwarded in regular or excess space in other trains.

(4) *Loading by other than railroad employees.* Loading as used in this subparagraph, is defined as loading, separating and piling in the car.

(i) At plants:

(*a*) Destination and destination relay cars. The terminal charge (loading) will not apply to destination and destination-relay cars when loaded by plant employees.

(*b*) Working storage cars and lesser storage units. When mail is loaded by plant employees, the terminal charge will not apply for loading. The proper unloading charge shall be credited to the originating railroad on mail loaded in working storage cars and lesser storage units. The originating railroad shall make proper interline settlement for these charges.

(ii) Loading by star route and mail messenger contractors:

(*a*) When all mail at a point is loaded by a contractor, terminal charges shall be credited in the same manner as for plant loaded storage cars and lesser storage units.

(*b*) When only a portion of the mail is loaded by a contractor and the remainder by railroad employees, the terminal charge will apply to all mail loaded.

(5) *Loading storage cars.* (i) Storage cars shall be loaded solidly at initial point of the run as far as practicable, observing all safety regulations and leaving only such doorways or aisles as are needed en route to handle mail.

(ii) Where for any reason a railroad fails to load a storage car to its space capacity, and mail is available for loading, pro rata pay will be allowed on the basis of the space capacity load. However, where the weight of the mail is exceptionally heavy and a car satisfactory to the Department is furnished, full payment may be allowed for less than space capacity load.

(iii) Where a storage space unit is carried in an oversize RPO car, the mail shall be handled within the car by postal transportation employees.

(6) *Pouch list changes.* Distribution and Traffic Managers of the Post Office Department shall promptly notify the proper official of a railroad of any changes in the list of pouches to be handled by the railroad.

(b) *Nonstop station service.* (1) Railroads are required to construct, light, and maintain mail cranes and other adequate facilities for the exchange of mail at points or stations on the run where the train does not stop and exchange of mail is necessary. Until such facilities are erected, the train's speed must be reduced to permit safe exchange.

(2) When mail is caught or delivered at night, a railroad must furnish the lantern or light to be attached to the crane and keep it in proper condition, regularly placed, and lighted.

(3) The engineer of an RPO train shall give timely notice, by whistle or other signal, of its approach to the nonstop point where mail is delivered or taken from a crane, or both.

(4) Where the Department deems it necessary to the safe exchange of the mail, the railroad is required to reduce the speed or stop the train.

(c) *Transfers*—(1) *At connecting points.* (i) Unless relieved of the requirement by the Department, a railroad carrying mail on its train for a connecting train is required to deliver the connection mail to a departing train of another railroad where the railroad stations are directly contiguous when:

(*a*) Both railroads employ representatives.

(*b*) Passengers or baggage are transferred.

(ii) When the train connection is not immediate, the mail may be delivered to the representative of the railroad operating the departing train.

(iii) A railroad is responsible for separating mail when the mail:

(*a*) Received a previous rail haul and is due for dispatch to a star, mail messenger, or highway post office route at a connecting point.

(*b*) Is received from a star, mail messenger, or highway post office route at a connecting point and is due to receive a subsequent rail haul.

(iv) A railroad must provide necessary tailboard space for exchange of mail with star, mail messenger, or highway post office routes or make delivery at a point accessible to the vehicles involved, unless other arrangements are made between the Department and the railroad.

(v) Railroads must transfer mail between connecting trains of steam railroads and cars of electric railroads when:

(*a*) The steam railroad employs a representative.

(*b*) The steam railroad station is directly contiguous to the electric car tracks.

(*c*) Connection is immediate.

(2) *At night.* (i) Where mail is due receipt or dispatch at night and a railroad employee is on duty, the railroads must retain custody and safeguard the mail until:

(*a*) Dispatch can be made to the proper train.

(*b*) Delivery can be made to a highway post office clerk, mail messenger, star route, or other contractor.

(*c*) Delivery can be made to a post office when the building is directly contiguous to the railroad property.

The Department reserves the right to require such service of a railroad at times when the regular employee of the railroad is not on duty.

(ii) At railroad stations where no railroad employee is on duty, the railroad must, if deemed necessary by the Postal Service, provide for the exchange of mail by means of a safe room or suitable locked box at the station.

(iii) Where a railroad has no representative at a station, it must furnish the light which shall be cared for and hung by the Department's carrier.

(3) *Between cars on same train*—(i) *Mail transferred between storage and RPO cars.* When a storage car or baggage car containing mail is operated next to an RPO car and postal transportation clerks have access to such a car through end doors, they may handle the mail at intermediate points when considered advisable by the Department and the volume is small.

(ii) *Mail transferred from excess units to authorized distributing space.* At points where practicable, a railroad is required to transfer all or a part of the excess mail from a baggage car to available space in an authorized distributing unit upon the issuance of Form 5050, Request to Transfer Excess-Storage Mail. However, the railroad may elect to carry such mail through to destination with the understanding that the space occupied in the baggage car will be offset by that available in the distributing unit. The request form must show the number of pieces and the point at which they are to be transferred, and must be delivered to the designated railroad representative immediately upon arrival at the station where the transfer is ordered. Mobile clerks are not required to accept the transfer of such mail through end doors while the train is in motion. They may do so during the station stop if the storage end of the RPO car is next to the baggage car.

(4) *Combining mail where train is overtaken.* When one mail-carrying train is overtaken by another and mail is combined and forwarded from that point in a single train, payment will not be allowed for the non-mail-carrying train beyond the merger point.

(5) *In emergencies*—(i) *Wreck or washout.* If it becomes necessary to transfer at the place of a wreck or washout, officials and employees of a railroad must see that:

(*a*) The mail and any postal transportation clerks are promptly transferred.

(*b*) Every possible convenience is furnished the clerks for working the mail.

(ii) *Other operating conditions.* Whenever operating conditions require that a car with mail be set out, the railroad must arrange to transfer all mail in the car to any available space in the train except:

(*a*) Where an important passenger train is involved and the transfer of all mail would result in serious delay, such transfer may be limited to first-class, airmail, registered mail, daily newspapers, special delivery and special handling. Other classes will be transferred if time permits.

(*b*) Mail may be held for a following train if it makes substantially the same connections and delivery as the first train.

Where an RPO car is set out, postal transportation clerks must give all possible assistance in transferring mail.

(d) *Exchange of mail with other carriers.* Railroad agents and other carriers must exchange mail as follows:

(1) If a mail messenger is employed by the Department, a railroad may be relieved of the requirement of receiving

or dispatching mail at cars, or from placing it on a crane, when:

(i) A railroad representative is on duty and the volume of mail is small enough so the mail messenger can readily carry it by hand on one trip.

(ii) A railroad representative is not on duty and the railroad makes sufficient trucks available to the mail messenger.

(2) The Department reserves the right to require the performance of such service by railroad representatives at any time during the 24-hour period.

(3) A mail messenger shall call for incoming mail and deliver it to the post office as soon as practicable. If the train's arrival is at night and the post office is closed, the mail may be handled as provided in paragraph (c) (2) of this section.

(4) A mail messenger will wait for a train's arrival when a representative of the railroad is not on duty. At the end of 2 hours, he may return the outgoing mail to the post office for inclusion in the next regular dispatch.

(5) A mail messenger need not wait for a delayed train when:

(i) Other mail would be delayed.

(ii) The railroad representative cannot give advance information as to time of arrival of the train.

(iii) The train is reported as more than 2 hours late.

In such cases the mail messenger may deliver the mail to the railroad's representative. The railroad is responsible for the safe dispatch of outgoing mail to the proper train and the safe delivery of incoming mail to the messenger or other authorized representative of the Department.

(6) Where mail cars are not accessible to vehicles of mail messengers or other carriers, a railroad shall receive and deliver mail at points accessible to such vehicles, except as provided in subparagraph (1) of this paragraph.

(e) *Side, terminal, and transfer service.* Requirements for side, terminal, and transfer service are as follows:

(1) Every railroad must, where it has an agent, take mail from and deliver it to all postal units located 80 rods or less from the station, when so required by the Department.

(2) The Department will provide for the transportation of mail to and from postal units located:

(i) More than 80 rods from the nearest railroad station or terminal.

(ii) 80 rods or less from the nearest railroad station or terminal where a representative of the railroad is not on duty.

(3) The Department may relieve a railroad of the performance of service required at any postal unit, and provide for such service, whenever it deems advisable.

(4) In all cases the distance between the railroad station or terminal and postal unit must be measured by the shortest route open to public travel, avoiding angles, from the nearest door of the baggage room to the nearest door of the postal unit involved. Where there is no baggage room or station, the measurement must be made from the middle of the station platform. The route need not be a regularly used public way, and, if over private property, no prohibition against the Government shall hold that has not also been made and enforced against the public.

(5) A railroad shall give 30 days' notice to the Department of the discontinuance of any agency handling mail or the removal of a station beyond the 80-rod limit. A railroad must not be relieved of the duty of handling mail unless this advance notice is given.

(f) *Terminal piece charges in RPO cars.* (1) The per piece charge will not apply to mail loaded into a RPO car while mobile clerks are on duty.

(2) The per piece charge will apply to one-half the number of pieces loaded into a RPO car while postal transportation clerks are not on duty when:

(i) Loaded by railroad employees at points prior to origin of clerks' run; or

(ii) Unloaded by railroad employees at points beyond end of clerks' run.

(g) *No terminal charges for additional handling.* Terminal charges will not be allowed for the additional handling of mail when:

(1) A railroad orders a car out of service after mail has been loaded for onward dispatch to destination; or

(2) The receiving railroad at an interchange point refuses to operate a car because of size, type or bad order and transfer of the mail to another car is required.

§ 92.109 Applicability of Comprehensive Plan B; railroads covered.

Sections 92.100 through 92.108 shall apply to all railroads which are not listed in § 92.12.

PART 93—TRANSPORTATION OF MAIL BY URBAN AND INTERURBAN ELECTRIC RAILWAY COMMON CARRIERS

Sec.

93.1 Service authorized only by Department.
93.2 Railroad employees handling mail regarded as agents of carrier.
93.3 Compensation for transportation of mail covers transportation of postal employees and agents.
93.4 Construction, equipment, and maintenance of RPO cars.
93.5 Use of and admission to RPO cars and RPO apartments.
93.6 Regularly authorized RPO service.
93.7 Closed pouch service authorized monthly.
93.8 Excess service.
93.9 Side, terminal, and transfer service.
93.10 Responsibility for safety of the mail.
93.11 Designation of stopping points for safe exchange of mail.
93.12 Use of signs "U. S. Mail" or "United States Mail."
93.13 Power for canceling machines in cars.
93.14 Failure of service.
93.15 Evidence of performance to be submitted by transportation companies.
93.16 Deductions and fines.

AUTHORITY: §§ 93.1 to 93.16 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6201–6215.

§ 93.1 Service authorized only by Department.

Mail transportation service on an electric railroad shall be established only by direct order of the Post Office Department. No increase, decrease, or change in the service ordered shall be made without first securing authority therefor from the Assistant Postmaster General, Bureau of Transportation.

§ 93.2 Railroad employees handling mail regarded as agents of carrier.

Any person employed by an electric railroad and designated to handle the mail shall be considered an agent of the carrier. Such employees need not be sworn as Postal Mobile employees.

§ 93.3 Compensation for transportation of mail covers transportation of postal employees and agents.

The compensation for the transportation of mail by an electric railroad shall include the transportation of Postal Service employees who accompany and distribute the mail and postal inspectors and other duly accredited agents of the Department who are performing their duties. Such transportation shall be in cars carrying the mail or on trips designated by the Post Office Department.

§ 93.4 Construction, equipment, and maintenance of RPO cars.

All railway post office cars or apartments used for the transportation of mail on an electric railroad route shall conform to the requirements stipulated by the Assistant Postmaster General, Bureau of Transportation. All such cars shall be constructed, painted, lettered, equipped, furnished, heated, lighted, and maintained by the companies performing the service, without expense to the Post Office Department.

§ 93.5 Use of and admission to RPO cars and RPO apartments.

No part of the space authorized in a railway post office car or apartment shall be used for other than mail purposes. Only authorized clerks, carriers, messengers, postal inspectors, and officers and agents of the Post Office Department shall be admitted to such cars and apartments. These persons shall be admitted only upon exhibition of their credentials.

§ 93.6 Regularly authorized RPO service.

Space in railway post office cars and railway post office apartments will be authorized in both directions of the authorized car run. In railway post office cars the space to be authorized will be the actual linear-foot inside measurement needed to accommodate the mail.

§ 93.7 Closed pouch service authorized monthly.

(a) The units of space to be authorized for closed pouch service shall be determined on the basis of count of pouches, sacks, and parcels.

(b) Whenever a regular authorization of closed pouch service is exceeded on more than 50 percent of the trips on any day of the week in any calendar month, the appropriate higher unit which was needed on more than 50 percent of trips on such day of the week shall be authorized on that day of the week. A regular authorization shall be reduced to the appropriate smaller unit on any day of

the week on which a smaller unit would have accommodated the mail on more than 50 percent of the trips on such day of the week in any calendar month. This rule will not apply to the month of December. Changes in authorizations based upon the operation of this rule in any month (except December) shall become effective on the first day of the succeeding month.

(c) Effective January 1, 1943, 14 pieces of mail (pouches, sacks, outside pieces, or a combination of these classes) will be considered as equivalent to 30 cubic feet of space in authorizing service. This determination is based on the result of the test during the period October 12–18, 1952.

(d) Where not more than 10 pouches, sacks, and parcels are regularly carried on a car constructed and operated primarily for passenger service with no separate compartment for mail, baggage, or express, one "ten-bag" unit will be authorized. Where more than 10 and not more than 28 pieces are regularly carried, a 60-cubic-foot unit will be authorized. Where more than 28 pieces are regularly carried, the appropriate cubic-foot unit (in multiples of 30 cubic feet, based on 30 cubic feet for each 14 pieces of mail or fraction of that number) will be authorized. The space unit required to accommodate the mails at any point on a mail route will be the space authorized for the "authorized car run" in this class of service. For example: Where a 60-cubic-foot unit is necessary over part of the route, and a "10-bag" unit is sufficient over the remainder of the route on the same trip, the authorization will be issued for a 60-cubic-foot unit over the authorized car run of a given trip.

(e) In baggage or express cars or in baggage and express compartments in passenger cars, units of service may be increased or decreased at any point on the car run according to the requirements of the service. For example: A 60-cubic-foot unit (or other large unit) may be authorized over part of the car run, and a smaller unit over another part of the same run.

(f) Closed pouch space in passenger cars, in baggage and express cars, and in baggage and express compartments in passenger cars, will be authorized only between the points the mail is actually carried in either direction of the car run. Such authorization will be considered as the mileage of the "authorized car run."

(g) Space in independent cars will be authorized in both directions and paid for accordingly, unless the car or any part thereof is used by the electric railroad in the return movement. In independent car service, linear-foot space will be authorized in cars 36 feet or less in length to the extent of the full length of the car (inside measurement less any obstructions). In cars more than 36 feet in length, space will be authorized to the extent of 36 linear feet or such additional linear feet of space in the car as may be necessary to accommodate the mail.

§ 93.8 Excess service.

(a) When greater amounts of mail are carried than are provided for in the regular authorizations, transportation of the excess mail will be paid for as excess service. Upon approval of the Distribution and Traffic Manager, the postmaster may be authorized to employ excess service on additional trips and in independent cars. Additional service needed on an electric railroad during the Christmas holiday period each year should be employed as excess service.

(b) When a closed pouch unit is regularly authorized, the electric railroad's claim for excess mail should be based on 30 cubic feet of space (or multiple thereof) at the prevailing rate for additional mail.

(c) Where an independent car or railway post office service is regularly authorized, the excess service should be requested for a separate unit of closed pouch service. If service becomes necessary on additional trips or in additional independent cars, the postmaster or other Department representative should make requisition on the electric railroad before the service is to be performed. Railroad employees shall accept all mail offered on trips on which regular service is authorized. The railroad shall be entitled to compensation for carrying any excess mail, without further authorization.

(d) Electric railroads are not permitted to carry mail on trips on which space is not regularly authorized, unless requested to do so by a postmaster or by an authorized official of the Post Office Department.

§ 93.9 Side, terminal, and transfer service.

(a) *When performed by an electric railroad over whose line the transportation of mail is authorized.* The railroad shall accept the mail from and deliver it into each post office, mail station, or other point of exchange, when required to do so by the Post Office Department. The railroad will receive separate compensation for such service unless it is performed directly contiguous to the line.

(b) *When performed by the Department.* At any point where service is not required to be performed by the electric railroad, the postmaster (if of the fourth class) may be required to transfer mail over slight distances between the cars and the post office without expense to the Department. Where the post office or mail station is located a considerable distance from the point of exchange with the cars, the Department will make provision for the carriage of the mail. Where the train service and agency conditions are similar to those found in the railroad service, the applicable provisions of § 92.9 (c) (1) and (e) of this chapter relative to the exchange of mail shall be observed.

§ 93.10 Responsibility for safety of the mail.

(a) An electric railroad authorized to perform mail transportation service shall be held responsible for the safety and security of the mail while in the custody of its employees. Where service and conditions are similar to those found in the railroad service, the applicable provisions of § 92.8(f) of this chapter, relating to responsibility for protection of mail, shall be observed.

(b) In the transportation of mail, the Department is not restricted to the use of the vestibule platform of passenger cars. The mail should be carried in any available space where it can be safeguarded.

§ 93.11 Designation of stopping points for safe exchange of mail.

Where necessary to effect the safe exchange of mail, an electric railroad shall be required to stop its cars at the points designated by the Post Office Department.

§ 93.12 Use of signs "U.S. Mail" or "United States Mail."

Such signs shall be displayed on cars actually carrying the mail. The signs shall be painted on cars used exclusively for transportation of mail. Removable signs shall be displayed on cars only when mail is actually being transported therein.

§ 93.13 Power for canceling machines in cars.

The electric railroad furnishing the railway post office cars or apartments shall provide power to operate any canceling machines used therein. The power shall be provided without additional expense to the Post Office Department.

§ 93.14 Failure of service.

In the event of an electric railroad's failure to provide for the transportation of mail in accordance with the Department's requirements, temporary mail service by some other mode of conveyance shall be authorized by the Assistant Postmaster General, Bureau of Transportation.

§ 93.15 Evidence of performance to be submitted by transportation companies.

An electric railroad shall submit monthly evidence of the performance of service. This evidence shall be submitted through the Postal Service on the form prescribed by the Post Office Department.

§ 93.16 Deductions and fines.

The provisions of § 92.8(h) of this chapter, pertaining to deductions and fines which may be imposed on railroads for service failures and delinquencies, shall also apply to electric railroads.

PART 94—HIGHWAY TRANSPORTATION

Subpart A—Star Route

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AUTHORITY: §§ 94.1 to 94.45 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6101, 6103, 6105–6107, 6351–6355, 6401–6403, 6405, 6407, 6408, 6410–6426, 6429–6434, 6436–6440.

Subpart A—Star Route

§ 94.1 Description.

(a) *Definition.* Star route service is established by the Post Office Department to provide for transportation of mail over highways and roads between postal units. Routes are operated under formal contracts, awarded after competitive bidding, and may provide box delivery, collection, and other services normally furnished by rural carriers. Star routes are usually operated where railroad service is unavailable or inadequate, and economies in transportation costs can be effected.

(b) *Head of route.* The term "head of a route" means the first post office referred to in the statement of service. It may be the initial point originally named or one later stated as a result of change in the route. The office from which a carrier starts his trip is not necessarily the "head" of a route.

(c) *Truck or T routes.* The term "T Routes" is the designation given to star routes transporting mail transferred from rail to highway on the initiative of the Post Office Department while train service is still in operation. These routes are established to improve mail service, provide economies, or both.

§ 94.2 Postal services.

(a) *Exchange of mail*—(1) *At post offices.* (i) The carrier must exchange mail at each post office on the route in accordance with the terms of the contract and any subsequent orders changing the service.

(ii) Where tailgate exchange at a loading platform cannot be made at an intermediate post office and the carrier cannot drive his vehicle near the door of the post office, the postmaster must arrange to take the mail. A carrier must not leave his vehicle containing mail unprotected. In no case shall the mail be thrown on the ground.

(iii) All intermediate post offices on star routes must be supplied by carriers on both outward and inward trips unless otherwise specified. Transportation requirements and procurement officers may change the frequency of supply to intermediate offices, without issuance of formal orders on Form 5440–C "Contract Route Service Order", provided distances as shown in the statement of service are not affected.

(iv) Where no time is specified at intermediate offices, mail should be exchanged within 10 minutes. Transportation requirements and procurement officers are authorized to vary from this standard whenever service conditions require.

(v) Except when space is available at a loading platform where tailgate exchange may be made, a contractor or carrier is required to deliver mail into and take mail from the post office at each end of his route.

(vi) Employees of postal installations served by star routes may be required to load or unload contractors' vehicles or to assist contractors in loading and unloading mail, when, in the judgment of transportation requirements and procurement officers, it is in the best interest of the Postal Service to do so.

(2) *Through lobbies or lockers of Post Offices.* (i) Mail may be exchanged, when authorized, through the lobby of a post office when no one is on duty. For this purpose the contractor will be provided a key to the lobby. A lobby exchange can be authorized only where the screen work extends to the ceiling; all doors, windows, and wickets connecting the lobby with the working portion of the post office are securely locked; and police protection is adequate. If any doubt exists as to the propriety of a lobby exchange, get approval of the Postal Inspection Service.

(ii) Exchanges may also be made through lockers when approved by the field services officer, or the transportation requirement and procurement officer, and the Postal Inspection Service. Locks and keys for lockers may be provided by either the postmaster or the contractor.

(iii) Postmasters shall obtain a signed receipt for each key furnished to star route contractors or carriers for use in exchanging mail through the lobby or locker of the post office. Reclaim the key and surrender the receipt when the key is no longer needed. When old keys are recovered or new ones issued, notify the distribution and traffic manager, who will maintain a current record of all outstanding keys.

(iv) Keys furnished to star route contractors or carriers must be protected against theft at all times. Do not allow examination of the key or its possession by an unauthorized person.

(v) Star route contractors or carriers must not have access to rotary, LA, street letter box (other than METRO series—see subparagraph (4) of this paragraph) or post office workroom keys.

(3) *At railroad stations.* (i) Where a star route terminal is at a railroad station at which no agent is on duty, the carrier may be required to exchange mail with trains, unless locker service is provided. Where catcher service is provided, the carrier may be required to hang pouches and take charge of mail dispatched from trains.

(ii) Where a railroad agent is on duty and the exchange of mail would impose a hardship on the carrier or delay the mail for the star route, the carrier must deliver the mail to, and receive it from, the agent who must make the exchange with the train.

(4) *Through collection boxes (collections only).* (i) The transportation requirements and procurement officer may require star route contractors or carriers to make collections from hasp and staple-type collection boxes locked by METRO series padlocks.

(ii) The postal installation manager will arrange for METRO padlocks and keys to be furnished postmasters at offices where star route contractors or carriers are authorized to make collections from collection boxes.

(b) *Duties of carriers and patrons.* (1) See §§ 49.3 and 49.4 of this chapter for the principal duties of carriers and patrons.

(2) If the contract requires the sale of stamp supplies, the carrier must:

(i) Report to post office in sufficient time to distribute mail in advance of scheduled departure time.

(ii) Accept mail addressed to patrons of the route, from the postmaster, and arrange it in order of delivery.

(iii) Prepare and maintain a roster of patrons served, arranged alphabetically and according to box numbers.

(c) *Sale of stamps and stamp supplies.* If the contract requires the carrier to sell stamps and stamp supplies, he must:

(1) Carry a stock sufficient to meet the needs of his patrons.

(2) Accept a fixed credit of postage stamp stock. Fixed credit will be provided by the postmaster at the head of the route. Where the carrier serves patrons who receive mail through other offices on the route, the carrier will replenish his fixed credit at those offices in amounts representing sales made by him to the patrons served through these offices.

§ 94.3 Contracts.

(a) *Contract terms.* Contracts are made for terms of 4 years or for the remainder of a contract term set for the State in which the route is located. To spread the workload, the contract terms are staggered for the different States within the regions.

(b) *Types of contracts.* Star routes are classified according to services required as follows:

(1) Serving post offices and performing delivery and collection service to box patrons.

(2) Serving post offices but not performing box delivery and collection service.

(3) Performing box delivery and collection service to box patrons but not serving post offices.

(4) Serving post offices and providing rural delivery features to box patrons.

(5) Providing rural delivery features to patrons but not serving post offices.

(6) Handling restricted classes of mail for post offices only.

(7) Handling empty equipment primarily.

(c) *Obtaining bids*—(1) *Advertisements*—(i) *Issuance and distribution.* When it becomes necessary to advertise for bids for a 4-year contract term or for the remainder of a regular contract term, when less than 4 years, advertisements will be prepared on Form 5435, "Advertisement for Mail Service," by the transportation requirements and procurement officer. Advertisements will allow at least 30 days' posting from the date of receipt until the closing date for bids, except in emergencies when the advertisements will contain an explanation for the shorter posting period. Sufficient copies of advertisements will be prepared by the transportation requirements and procurement officer for distribution to postmasters at post offices named in advertisements, prospective bidders and other interested persons. Form 5468, "Star or Water Route Bid and Bond," is used in submitting bids.

(ii) *Distances stated in advertisements.* Most advertisements inviting proposals for star route service show the one-way length of the routes and refer to:

(*a*) Distances traveled by carriers where service is in operation.

(*b*) Distances by shortest public roads between points named on new routes.

Distances stated in advertisements are believed to be substantially correct. The pay will be neither increased nor decreased if the actual distance is greater or less than advertised, provided the points to be supplied are correctly stated.

(iii) *Advertising by postmasters.* Postmasters must: (*a*) Post copies of bulletin advertisements in conspicuous places in the lobbies of their post offices for the periods stated in the advertisements.

(*b*) Obtain the widest possible publicity, without expense to the Postal Service, to gain the attention of interested persons.

(*c*) Familiarize themselves with the advertisements and attached instructions, and the services to be performed.

(*d*) Maintain an ample supply of proposal forms (Form 5468 "Star or Water Route Bid and Bond") while advertisement is pending. Make immediate request to transportation requirements and procurement officer for needed forms, contacting that office by telephone or telegraph when necessary to obtain forms during last few closing days for receipt of bids.

(*e*) Furnish prospective bidders a copy of the advertisement and bid form on request.

(2) *Requirements of bidders*—(i) *Eligibility.* Any person who is at least 21 years of age and who is a citizen of the United States, or has filed a declaration of intention within the past 7 years to become a citizen may submit a proposal and enter into a contract for carrying the mail, subject to the following restrictions:

(*a*) No proposal for a contract for star route service shall be considered unless the bidder is a legal resident of one of the counties crossed by the roads over which the mail is to be carried or a legal resident of a county adjoining one through which the mail is to be carried, with this exception: Proposals for carrying mail will be accepted from firms, companies, or corporations actually engaged in some business other than transportation of mail under a contract within the counties in which individuals are restricted as to residence.

(*b*) No postmaster, assistant postmaster, clerk employed in any post office, rural carrier, special-delivery messenger, or other postal employee, including substitute or temporary, shall be a bidder, contractor, or concerned in a bond or contract for carrying mail on a star route.

(*c*) No member of the immediate family of a postmaster or assistant postmaster shall be awarded a contract or be a surety on a bond, or be a subcontractor or carrier on a star route; except, that a person who becomes a member of the immediate family of a postmaster or assistant postmaster after being awarded a contract or after being recognized as a subcontractor may continue to perform such contract and is eligible for a renewal contract. "Immediate family", as used in this section, means persons who are members of the same household or dependent upon the other for support.

(*d*) No contract for carrying mail will be made with any person who has entered or proposed any combination to prevent the making of any bid for carrying mail or who has agreed, or given or promised any consideration, to induce another person not to bid for such a contract.

(*e*) A married woman may contract or be surety as though she were unmarried where the laws of the State permit. When a woman bids or signs as surety, it must be stated whether she is married or single.

(ii) *Knowledge of service factors.* Bidders should familiarize themselves with:

(*a*) Service to be performed, including mileage and time required.

(*b*) Estimated weight and volume of mail to be carried and size of vehicle required.

(*c*) Condition of roads, including toll charges.

(*d*) Laws and regulations governing the operation of motor vehicles.

(*e*) Other circumstances affecting the cost of operation, without regard to the prevailing rate of pay or amount of bond specified.

(iii) *Bonds.* (*a*) Each proposal must be accompanied by a bond executed by a qualified surety company or by two or more individual sureties who are the owners of real estate worth an aggregate sum double the amount of bond required, over and above all debts, judgments, mortgages, executions, and exemptions.

(*b*) As a part of the bond, the individual sureties must sign a statement showing the amount of real estate owned by them, a brief description of the real estate, its estimated value, where it is situated, and in what county or State the titles are recorded.

(*c*) Where the laws of the State permit, a husband and wife owning real estate as tenants by the entireties, are acceptable as one surety provided both execute the bond. Any other two or more persons owning real estate as joint tenants, are acceptable as one surety, provided all parties concerned execute the bond. In these cases, at least one other qualified surety is necessary.

(*d*) The obligation under this bid bond is that the bidder will execute a contract with good and sufficient sureties and that service will be performed according to the contract. If an accepted bidder fails to enter into the prescribed contract or, after having executed a contract, fails to perform service in accordance with the contract, he and his sureties are liable for the amount of the bid bond.

(*e*) No proposal for the transportation of the mail shall be considered when accompanied by a bond executed on behalf of a surety by or through any organization of mail transportation contractors or an officer or employee of such organization, nor shall any such proposal be considered when a portion of the bond premium, a commission on the bond sale or any other thing of value accrues to any organization of mail transportation contractors, or officer or employee thereof as a result of the execution of the bond.

(*f*) The amount of bond required with the bid is stated in the advertisement.

(*g*) For list of surety companies, approved by the Treasury Department, acceptable on bonds and contracts, see latest Treasury Department notice in the FEDERAL REGISTER.

(3) *Instructions to bidders.* Postmasters must:

(i) Caution prospective bidders that their proposals must be completed and properly executed, include the required bonds, and must be mailed to reach the distribution and traffic manager within the time limit for the receipt of bids as shown in the advertisements.

(ii) Point out to bidders the instructions attached to the advertisements and on the proposal forms.

(iii) Suggest that bidders contact the proper transportation requirements and procurement officer to obtain definite information regarding local conditions and services required.

(iv) Point out to prospective bidders the legal residence requirements. See Subpart F of this part.

(v) "Caution bidders not to submit bids with the expectation of having their pay readjusted if awarded a contract, as no increase will be allowed except for changed conditions as provided by law." See § 94.3(h)(3).

(vi) Advise bidders that no claim for additional pay can be allowed which is based on alleged mistakes or misapprehensions as to service requirements.

(vii) Inform prospective bidders not to permit the use of their names unless

they intend to carry the mail or supervise the service in person. Every bidder must sign a statement that his bid is made in good faith and with the intention of performing service if it is accepted.

(viii) Point out to bidders and individuals sureties the obligation under the bid bond. See subdivision (i)(*a*) of subparagraph (2) of this paragraph.

(4) *Restriction on postmaster participation.* Postmasters are official agents of the Post Office Department. They are liable to dismissal from office for:

(i) Acting as agents of contractors, subcontractors, or bidders, with or without compensation, in any negotiations relating to mail service.

(ii) Divulging the amount of any proposal which they have certified.

(5) *Obtaining proposal forms.* Proposal forms may be obtained from:

(i) Transportation requirements and procurement officer.

(ii) Postmasters at offices where advertisements are posted.

Similar forms, approved by the Department, are furnished by surety companies and distributed through local agents and postmasters directly to contractors and bidders.

(6) *Submitting bids.* Bids must be submitted as follows:

(i) Each proposal must be sent in a sealed envelope addressed:

Distribution and Traffic Manager, Post Office Department, ----------, ----------,
(City) (State)
and endorsed Mail Proposal, Route from ---------- to ----------, ----------.
(City) (City) (State)

(ii) Bids must be mailed in time to reach the distribution and traffic manager at the address and within the time limit specified in the advertisement. Bids received after the time limit specified in the advertisement will not be considered unless they are received before the award of contract is made and it is determined that their failure to arrive on time was due solely to delay in the mail for which the bidder was not responsible.

(iii) If bond is to be executed by a surety company, the proposal should be properly prepared, other than the bond, and transmitted directly to the bonding company in ample time to have it completed and filed in the office of the distribution and traffic manager within the time limit stated in the advertisement.

(iv) When bond is to be executed by a surety company, the certificate as to bidder may be executed prior to the completion of the bond. (See certificate and note on back of proposal, Form 5468 "Star or Water Route Bid and Bond.")

(7) *Time limitations.* The following time limitations apply:

(i) No withdrawal of a bid will be allowed unless notice of withdrawal is received at least 24 hours before the expiration of the time limit stated in the advertisement.

(ii) The Post Office Department may award a contract at any time within 60 days after expiration of the advertisement. However, when service to be superseded cannot be terminated within the 60-day period after closing bids, an additional 60-day period during which the contract may be awarded is authorized if the bidder and his sureties so consent in writing. This consent may be withdrawn by the bidder at any time prior to award of the contract.

(d) *Award of contracts*—(1) *Requirements for award.* Contracts are awarded to the lowest responsible bidder who tenders sufficient guaranties for celerity, certainty, and security in the faithful performance of service in accordance with the terms of the advertisement. The Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to comply with the terms of a former contract.

(2) *Execution of contract.* The accepted bidder will be required to execute a contract with good and sufficient sureties satisfactory to the Postmaster General. These sureties can be the same as those furnished on the bid bond.

(3) *Qualifications of sureties.* Although individual sureties on a contract are not required to be owners of real estate, they must be responsible persons and competent to perform the service required by the contract if called on to do so.

(4) *Obligation of sureties on contract.* Sureties on the contract are, in effect, co-contractors, and in event of default or removal of contractor, are responsible for continued operation of the service. They may also be called on to take over operation of the route in the event of death of the contractor. See § 94.3 (i)(4)(iv).

(5) *Filing contract.* The successful bidder must execute and file his contract with the transportation requirements and procurement officer within 60 days from the date of acceptance of bid.

(6) *Reservations.* The Postmaster General reserves the right to:

(i) Reject all bids on any route whenever the interest of the service requires.

(ii) Rescind the acceptance of a proposal at any time before the signing of the formal contract by a representative of the United States, without allowing indemnity.

(iii) Suspend the award of a contract for a period not exceeding 60 days after the date stated in the advertisement for the announcement of the award and allow a corresponding extension of time for the execution of the contract. This period may be extended an additional 60 days under the circumstances outlined in subdivision (ii) of paragraph (c)(7) of this section. It is not always possible to award contracts to be effective on the dates specified in the advertisement.

(iv) Reject bids accompanied by bonds on which a surety is a person who is barred from bidding for any reason.

(v) Disregard the bids of those persons who have not submitted proposals in good faith and do not intend to perform service in accordance with the terms of the advertisement.

(7) *Tie bids.* When the lowest acceptable bids are at the same rate, preference will be given to the present contractor if his is one of the tie bids. Otherwise, the selection will be made by lot.

(8) *Certification.* The contractor must certify that he has not employed any person to solicit or secure the contract upon any agreement for a commission, percentage, brokerage, or contingent fees. He must agree not to discriminate against any employee or applicant for employment because of race, color, religion, or national origin.

(9) *Oath of contractor and carrier.* A contractor will take the required oath when executing his contract. All carriers, employed by contractor, except those employed by contractors operating large trucking concerns or regular passenger buses in which mail is carried, must take the prescribed oath (Form 5497 "Oath of Mail Carrier") before beginning service.

(e) *Contractor's responsibilities*—(1) *For providing equipment and maintaining.* (i) The contractor must furnish adequate and suitable motor vehicles or other equipment necessary to carry the mail.

(ii) Unless otherwise specified, motor vehicles must be used. When road or weather prevent their use, other means of conveyance must be furnished.

(iii) Contracts for certain routes specify the size or number, or both size and number, of vehicles required. Contractors on such routes cannot be required to provide equipment and service in excess of that specified.

(iv) Contractors must maintain their vehicles in a safe and dependable condition and must keep them clean and tidy.

(2) *For performing service.* (i) Contractors must perform service on all scheduled days including holidays, unless otherwise specified in contracts.

(ii) The contractor must serve regularly post offices in operation on the date of the advertisement. Also, he must serve regularly post offices established after the date of the advertisement, as well as railroad stations and junction points, which may be included for supply on his routes, without additional compensation if there is no additional travel.

(iii) Contractors must agree in their contracts to deductions from their pay for all authorized service not performed. See paragraph (g)(1) of this section.

(iv) Contractors must not carry mail on a railroad or electric car except as directed by the Bureau of Transportation.

(3) *For giving preference to mail.* (i) Contractors must transport the whole of the mail on each scheduled trip during the term of the contract unless otherwise specified. Where a contract specifies only certain classes of mail to be transported, the term the whole of the mail means all mail of the classes specified.

(ii) Star route contractors and carriers may transport passengers, freight, and express so long as it does not interfere with the transportation of the mail, provided all applicable Federal and State laws and regulations are complied with.

(iii) When sent as mail, packages must be carried as such and no charge shall be made by the carrier for transporting them.

(iv) Where permitted by law, the contractor may transport intoxicating

liquors outside the mail if carrying them does not interfere with the transportation of the mail.

(4) *For maintaining schedules.* (i) Contractors and carriers must:

(*a*) Carry the mail according to the schedule of departures and arrivals and within the running time stated in the advertisement under which the contract is made, unless the schedule is altered by authority of the transportation requirements and procurement officer. If the schedule is altered by a proper order, they must adhere to the altered schedule.

(*b*) Be allowed an equal amount of additional time on the schedule when more than 10 minutes is taken for opening and closing the mail at any post office, unless otherwise provided in the contract.

(*c*) Where specific instructions have been issued by the transportation requirements and procurement officer on routes serving large post offices and sectional centers, notify postmasters in advance by telephone collect of estimated delayed arrival due to breakdowns or other causes or when extra large volumes of mail are being carried.

(*d*) Operate on standard time unless otherwise specified.

(ii) Postmasters must not: (*a*) Except in cases of emergency, deliver mail to carriers before scheduled departure time without permission from the field services officer or the transportation requirements and procurement officer. When earlier delivery of mail to a carrier would be advantageous to the carrier, patrons on the route, or the mailing public, the postmaster may recommend to the field services officer or the transportation requirements and procurement officer that the carrier be permitted to leave before scheduled time. Star route carriers and dispatch clerks will conform to the closing times listed in post offices.

(*b*) Permit mail to be taken from the post office to be kept in a private home overnight.

(5) *For operating vehicles according to law.* Transportation by contractors of passengers or property other than mail is subject to the following:

(i) The award of a contract for the transportation of mail grants no special right or privilege to the contractor to transport passengers, freight, or express. If the contractor desires to transport passengers or cargo other than mail for compensation in interstate or foreign commerce, he must obtain authority from the Interstate Commerce Commission. If he desires to transport either in intrastate commerce, he must obtain authority from the State in which he will operate, if such authority is required by that State. He must comply with all laws and regulations of the State or States which apply to carriers of passengers and cargo for hire.

(ii) Contractors must know and comply with interstate and intrastate laws governing the operation of motor vehicles. They must comply with all safety measures prescribed by State and Federal laws and regulations governing the operation of motor vehicles and with the Interstate Commerce Commission's Motor Carrier Safety regulations issued from time to time, to the extent stated in the advertisement and as required by the Post Office Department.

(6) *For transporting postal officials and equipment.* (i) Contractors and carriers must transport postal inspectors and other officials of the Postal Service, on presentation of their credentials, over regularly scheduled trips and between the points specified in the official statement of the route, if the conveyance used is suitable.

(ii) Bus companies are not required to transport postal inspectors and other officials except on vehicles carrying mail and between points where service is authorized.

(iii) The presence of a postal inspector in the carrier's vehicle or in the vicinity of the route shall not be revealed by the carrier to any person at any time.

(iv) Contractors must convey, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered them. This does not include furniture, letter cases, mail boxes, and other similar items. Such equipment must not be shipped under penalty labels for transportation on star routes unless it has been determined in advance that the contractors involved are willing to perform the additional work without compensation. This does not prevent contractors from handling such equipment as freight or express.

(7) *For providing carriers*—(i) *Qualifications.* Carriers must be:

(*a*) Not less than 18 years of age.

(*b*) Of good character, reliable, and trustworthy.

(*c*) Sufficiently educated to enable them to perform all required duties in a satisfactory manner.

(ii) *Persons ineligible.* The following are ineligible to serve as carriers on star routes: (*a*) All postal employees, including temporaries and substitutes.

(*b*) Members of the immediate families of postmasters and assistant postmasters as defined in paragraph (c) (2) (i) (*c*) of this section unless they become members of the immediate family after the contract was awarded.

(*c*) Persons undergoing sentences of hard labor imposed by a criminal court (out on parole or under suspended sentence).

(*d*) Persons with known criminal records involving moral turpitude or dishonesty.

(*e*) Persons whose traffic records indicate that their driving motor vehicles would be hazardous.

(iii) *Oaths.* Before entering on duty, carriers employed by contractors shall take the prescribed oath, except where a firm has the mail contract and an official of the company takes the oath. Such firms are:

(*a*) Railroads which have contracts to carry the mail.

(*b*) Firms contracting for water route services.

(*c*) Companies which operate regular passenger busses and carry mail.

(*d*) Trucklines which have contracts to carry mail.

(8) *For identifying equipment.* (i) The use of a sign or lettering reading, "United States Mail" or "U.S. Mail" is optional, but may be used only on vehicles that are actually carrying mail. If a sign is used, it must be removed when the vehicle is used exclusively for other purposes. If the lettering is painted on the vehicle, it must be covered when the vehicle is being used exclusively for other than mail service.

(ii) Vehicles that are painted red, white, and blue must have inscribed on both front side doors in block letters at least 1 inch high "U.S. Mail Contractor." Trailers, so painted, must also bear the same inscription in block letters at least 2 inches high on the front of the trailer, sufficiently high to be visible above the tractor unit.

(f) *Renewal, extensions, and changes without advertising*—(1) *Renewals.* A regular contract may be renewed for additional terms, without advertising, at the rate prevailing at the end of the contract.

(2) *Extensions of contract period.* A contract may be continued in force beyond its expressed term for a period of not more than 6 months. The extension of a contract also extends any subcontract in effect on the route.

(3) *Changes in service.* (i) Transportation requirements and procurement officers may at any time issue orders extending, increasing frequency, and changing the line of travel, by allowing a pro rata increase in compensation for any increased service required. They may also issue orders curtailing, reducing frequency, discontinuing, or changing line of travel by allowing 1 month's extra pay on the amount of service eliminated, and not exceeding pro rata compensation for the service retained.

(ii) Extensions during a contract term shall not exceed a net aggregate of 50 miles.

(iii) Star route service may not be extended to supply families previously served by a rural carrier unless the number of patrons to be served by the extended part of the star route is more than twice the number previously served by the rural carrier.

(iv) If the road usually traveled becomes impassible, the carrier must use the most available road to perform full service. He should immediately report the matter to the postmaster at the head of the route and to the transportation planning and procurement officer who has supervision over the route. See paragraph (h) (4) of this section.

(4) *Changes in schedules.* (i) Transportation requirements and procurement officers may issue orders changing schedules of departure and arrival, particularly to make them conform to connections with railroads or other mail routes, without increase in pay. See subdivision (iv) of this subparagraph.

(ii) Changes in schedules must be authorized by the transportation requirements and procurement officer.

(iii) The schedule on a route must not be changed for the convenience of the contractor, subcontractor, or carrier, if the change would be detrimental to the service.

(iv) Some contracts contain a provision prohibiting adoption of a schedule

allowing less running time than that stated in the advertisement, without the written consent of the contractor and his sureties. When it becomes necessary to decrease the running time under such contracts, the contractor shall have the option of continuing the service by the expedited schedule without additional compensation. If the contractor does not accept this option, the route must be readvertised.

(v) The financial effect that a change in schedule may have on a contractor must be taken into consideration. Reversal of schedule or excessive layover time could result in material increase in cost or undue hardship and provide a basis for readjustment of compensation.

(vi) Postmasters must inform the proper field services officer or the transportation requirements and procurement officer whenever changes in schedules are necessary or appear advisable, with a full explanation of the reasons. They should not recommend changes entirely in the interest of the contractor.

(g) *Irregularities*—(1) *Deductions or fines.* Deductions from pay may be made or fines may be imposed for:

(i) Trips not performed or service omitted.

(ii) Failure to carry all or any portion of the mail in order to accommodate passengers, freight, or express.

(iii) Failure to arrive within schedule time.

(iv) Neglect to take mail from or deliver it to a post office.

(v) Refusal to deliver or collect the mail along the route.

(vi) Failure to protect the mail from rain or extremes of weather.

(vii) Permitting mail to become damaged or destroyed.

(viii) Loss of or depredation to mail through the fault of the contractor or his agent.

(2) *Forfeitures or contract annulment.* Forfeitures may be imposed or contracts may be annulled for:

(i) Failure to follow instructions of the Post Office Department.

(ii) Violating laws or regulations.

(iii) Failure to give proper supervision to performance of service.

(iv) Transporting matter due to be in the mail as cargo other than mail.

(v) Entrusting the mail to an unsuitable person.

(vi) Refusing to discharge a carrier when instructed to do so by the Post Office Department.

(vii) Subletting a contract without the consent of the transportation requirements and procurement officer.

(viii) Participating in combinations to prevent others from bidding.

(ix) Violation of any of the provisions of the advertisement or contract.

(h) *Payments*—(1) *For regular service.* Payments for stated services are:

(i) Made by check after the expiration of each 4-week accounting period.

(ii) Not made under new or renewed contract until the contract is executed.

(2) *For special-delivery service.* Postmasters may pay special-delivery fees to contractors and carriers when special service is rendered. If the special delivery mail is delivered into the patrons box the carrier is not entitled to the fee.

(3) *Readjustment of compensation.* See Subpart F of this part.

(4) *Allowance for detours.* (i) Transportation requirement and procurement officers may authorize pro rata additional payments to contractors for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause, provided the increase amounts to as much as $1 during any 4-week accounting period and a report is made within 90 days after service is performed.

(ii) The contractor or carrier is responsible for reporting to the postmaster at the head of the route all necessary detours, with the reasons and the additional distance travel on each trip.

(iii) The postmaster is responsible for obtaining all pertinent facts and reporting them to the proper transportation requirements and procurement officer. Be sure that only the net additional miles traveled, after deducting the scheduled miles of travel, are reported for each date on which detour travel is necessary. See § 94.7(b).

(5) *Pro rata computation of change in pay.* To determine the amount to be allowed or deducted in making changes in service, transportation requirement and procurement officers must observe the following instructions:

(i) Determine the one-way length of the route as it would operate if changed as proposed.

(ii) Multiply the one-way length by the number of trips to be required, as determined by the Frequency Conversion Table. If the route has more than one part, follow the same procedure for each part and add annual mileages for all parts.

(iii) Determine the difference between the total annual mileage as shown on the records and the new annual mileage.

(iv) Multiply the difference in annual mileage by the prevailing rate per mile, except as otherwise provided in this subparagraph.

(v) When a change has been made at less than pro rata, or without allowance of additional pay, and a further change is proposed, base the computation on the original distance and pay.

(vi) If service that has been added without the allowance of additional pay, or at less than pro rata, is to be discontinued, base the computation on the rate per mile allowed when the service was added.

(vii) When a change involves part of the original service and service added under conditions outlined in subdivision (vi) of this subparagraph, base the computation on the two rates.

(viii) When a contract is renewed, a new basic rate per mile is established effective at the beginning of the new contract term, regardless of any orders issued during the previous term.

(6) *Withholding payments.* (i) When a contractor has more than one route and fails to perform service on any one of them according to contract, payment will be withheld on all routes until the unsatisfactory conditions are remedied and all penalties are satisfied.

(ii) When a contractor dies, payments should be suspended until the necessary court orders or claim papers or both can be approved. Freqently there is considerable delay in making payments following the death of a contractor.

(7) *Levying of deductions and fines.* (i) Transportation requirements and procurement officers are authorized, in their discretion, to make deductions for trips not performed and service omitted. When a deduction is made, an order will be issued on Form 5440–C, "Contract Route Service Order."

(ii) When a contractor fails to comply with terms of the contract or when serious irregularities occur, the transportation requirements and procurement officer will make every effort, by letter or by personal interview, to correct the situation. If the contractor persists in the irregularities, the transportation requirements and procurement officer will issue a brief against him by use of Form 5178 "Notification of Irregularity in Service or Damage to Parcel Post Mail." If the contractor makes no satisfactory reply, the distribution and traffic manager may issue an order on Form 5440–C imposing a fine.

(i) *Termination*—(1) *Time.* Star route contracts may be terminated at the end of any 4-year term at the option of the Postmaster General or the contractor or they may be terminated at any time as provided by law. (See paragraph (f)(3)(i) of this section.)

(2) *For changed service conditions.* Star routes may be readvertised and new contracts may be awarded for the purpose of releasing contractors and sureties on routes where undue hardships have been imposed by:

(i) An ordered change which increases or decreases the amount of service required.

(ii) An abnormal or sustained increase in the quantity of mail to be carried during a contract term, necessitating larger equipment.

(iii) An ordered change in schedule, requiring the contractor to be away from the initial terminal much more or less time than was required in the advertised schedule.

(3) *For inadequate compensation.* A star route may be readvertised and a new contract may be awarded to release the contractor and his sureties when, after full investigation, compensation is found to be wholly inadequate and continuation of the contract will impose undue hardship, even though conditions have not changed since the contractor submitted his bid. This action may be taken only when the contractor:

(i) Gives 90-days' advance notice of his desire to be released.

(ii) Waives the 1-month extra pay authorized by law where contracts are canceled under this provision.

(iii) Continues service until another contract is awarded even though the award may be made more than 90 days after filing the advance notice.

(4) *Death of a contractor*—(i) *Notification.* When a contractor dies, the postmaster should immediately notify the transportation requirement and procurement officer having jurisdiction over

the route. The transportation requirement and procurement officer will suspend payments and notify the Bureau of Transportation and sureties on the contracts. Postmasters must notify the transportation requirement and procurement officer of the death of a contractor, even though the route has been sublet.

(ii) *Transfer of responsibility for route.* On the death of a contractor, performance of service becomes the responsibility of the executor or administrator of the deceased contractor or the sureties of his contract.

(iii) *Responsibility of legal representative.* If a legal representative is appointed, he has the right, after obtaining the necessary court orders, to continue the service for the benefit of the estate or to sublet to himself or some other suitable person, after obtaining permission from the Department.

(iv) *Responsibility of sureties.* The surety or sureties on the contract are responsible for assuming charge of the route and continuing the service in person, by a suitable carrier, or under a subcontract when no executor or administrator is appointed or the service is not continued by the legal representative for the benefit of the estate.

(v) *Temporary service.* If service is not provided promptly by or for the estate of a deceased contractor or his sureties, the postmaster at the head of the route or the transportation requirement and procurement officer who has supervision over the route should arrange for employment of a temporary carrier at the lowest obtainable rate. Temporary service should be continued until regular service is resumed by the legal representative of the estate of the deceased contractor or by sureties. Payments to temporary carriers should not be made until they are approved by the Department.

(5) *Insanity of a contractor.* When a contractor becomes temporarily or permanently incapacitated because of insanity or unsound mind, the postmaster shall immediately notify the transportation requirement and procurement officer having jurisdiction over the route.

§ 94.4 Subcontracts.

(a) *Requirements for subletting.* (1) A contractor must obtain permission from the transportation requirements and procurement officer before subletting. Subletting without proper consent may cause a route to be relet, thereby making the contractor and his sureties liable under their bond for damages.

(2) Subletting for an amount less than the contract rate of pay is prohibited by law.

(3) The contractor and subcontractor must warrant that the subcontractor has not given or agreed to give to the contractor, directly or indirectly, any consideration for subletting of the contract. Such a consideration includes, but is not limited to, a cash payment for the agreement to sublet; rebates from the compensation received from the Government; payment of unusually high prices for equipment; and purchase of unnecessary operating rights.

(4) Subcontracts are executed in triplicate, providing a copy for transportation requirements and procurement officer; contractor; and subcontractor.

(5) After an order has been issued recognizing a subcontract, payments are made directly to and in name of the subcontractor.

(b) *Requirements of subcontractors.* A subcontractor must:

(1) Meet the legal residence requirements of contractors. See § 94.3(c)(2)(i)(*a*).

(2) Be in a position to supervise the service properly.

(3) Be financially and morally responsible.

(4) Have fully adequate and suitable equipment.

(c) *Assignment.* Assignment or transfer of a contract for transporting mail is prohibited by law, except as provided in the Assignment of Claims Act of 1940, as amended. A contract may be sublet as provided by law.

(d) *Term.* The subcontract must be executed for service on the whole route and for a period of not less than 1 year or for the remainder of the contract term when less than 1 year.

(e) *Responsibility of contractor.* The execution and recognition of a subcontract does not release a contractor from his obligation, but it relieves him of the necessity of giving the route his personal supervision.

(f) *Termination*—(1) *For cause.* The distribution and traffic manager may terminate a subcontract on abandonment or unsatisfactory service by the subcontractor.

(2) *By request.* The distribution and traffic manager will recognize the termination of a subcontract prior to its stated period on proper notification by either party to the subcontract.

(3) *By death of subcontractor.* On the death of a subcontractor, the contractor, legal representative of the estate of a deceased contractor, or sureties in charge should immediately resume charge of the route. Postmasters should notify the transportation requirement and procurement officer having supervision over the route, who will issue necessary instructions to all concerned.

(g) *Contracting with subcontractors.* When a contractor has sublet a route in accordance with law and does not indicate in writing to the Postmaster General at least 90 days before the end of the contract term that he desires to renew the contract, the distribution and traffic manager may enter into a contract on the same terms, without advertising the route for bids, with a subcontractor who has performed satisfactory service on the route for a period of at least 6 months.

§ 94.5 Temporary service.

(a) *On new routes.* (1) Contracts for temporary star route service may be made without formal advertisements for periods not to exceed 1 year.

(2) No bond is required with a temporary contract. These contracts may run to the end of the fiscal year or not exceeding 1 full calendar year.

(3) Contracts for temporary service provide for their termination on 15-days' notice by either party.

(4) Before temporary service is authorized, bids are usually solicited by transportation planning and procurement officer. The lowest bid must be accepted unless there is sufficient reason for rejecting it.

(b) *On regular routes.* Temporary service may be provided under the following conditions:

(1) When a contractor fails to provide service, the transportation requirement and procurement officer in charge of the service, or the postmaster at the head of the route, has authority to employ a carrier at the lowest obtainable rate.

(2) The expense of temporary service is charged to the contractor.

(3) Employment of temporary service is to be continued until regular service is resumed by or for the contractor or his sureties.

(4) Where temporary carriers have been employed by postmasters, full report of the circumstances must be made to the transportation requirement and procurement officer.

(5) When the employment of a temporary carrier is necessary on a regular route, payment to the regular contractor must be suspended until proper adjustments are made.

(6) No payment will be made to a temporary carrier before the transportation, requirement and procurement officer's issuance of the order authorizing the payment.

(c) *In lieu of train service*—(1) *Limited interruption of railroad service.* When temporary interruption of railroad service of a very limited nature is expected to last no more than a day or two, temporary service should be employed at the lowest obtainable rate. Bills shall be prepared on Form 2524, "Bill for Temporary Service in Lieu of Railroad Service," and must be charged to the Railroad Transportation account.

(2) *Extended interruption of railroad service.* When an interruption of railroad service appears to be of an extended nature, such as a strike or damage to or destruction of rail facilities, temporary star route service should be employed. This service shall be certified to on Form 5429, "Certification of Exceptional Contract Service Performed," appropriately marked to be charged to "Temporary in Lieu of Rail" account. When there is temporary interruption of railroad service, temporary service should be employed at the lowest obtainable rate. The cost of the service is chargeable to the Railroad Transportation, and must not be reported as star route service. Bills covering employment of service under these conditions are prepared on Form 2524 "Bill for Temporary Service in Lieu of Railroad Service."

(d) *Emergency temporary service.* When an emergency makes it necessary to divert mail in transit, temporary service may be provided.

(e) *On airmail routes.* In the event of a major disaster, temporary service may be provided, without advertising, for the transportation of mail by aircraft to or from the affected localities.

(f) *Death of a temporary contractor.* When a contractor or carrier for a tem-

porary route dies, it is necessary to enter into another temporary contract or employ another temporary carrier. New bids may be solicited by the transportation requirements and procurement officer.

§ 94.6 Protection of mail.

The contractor and his sureties are accountable and answerable in damages for failure to:

(a) Carry the mail in a safe and secure manner.

(b) Protect the mail from becoming wet and otherwise damaged.

§ 94.7 Records and reports.

(a) *Records*—(1) *At large installations.* Postmasters and heads of large installations having extensive star route operations and who are designated by regional headquarters as reporting offices for performance of star route service, shall, when specifically directed by the transportation requirements and procurement officer, maintain Form 5398, "Report of Performance on Star Routes—Large Installations (RS–TR–74)."

(2) *At other installations.* Postmasters and other installation heads designated by regional headquarters as reporting offices for performance of star route service, and not specifically directed to use Form 5398, shall maintain Form 5399, "Record of Performance of Star and Water Routes," by accounting periods, showing actual departure and arrival times each day of operation and indicating irregularities.

(b) *Recurring reports*—(1) *Form 5398, Report of "Performance on Star Routes—Large Installations."* If directed to use Form 5398, postmasters and other installation heads shall prepare and submit reports as follows:

(i) Assign responsibility for preparation of Form 5398 to the tour supervisor or the postal employee responsible for supervision of the star route operations. This employee shall sign each form certifying its correctness.

(ii) Enter outbound and inbound trips on separate forms, showing all scheduled trips and any extra trips performed. Separate forms shall be prepared by the supervisor of each tour.

(iii) Prepare forms in duplicate and submit original to the transportation requirements and procurement officer as a certification of the service performed. Submit daily. Retain copy at installation head. If another region is concerned in the operation of a route, prepare another copy and forward to the transportation requirements and procurement officer of that region.

(2) *Form 5400, report of service on star route.* If records of performance of service are maintained on Form 5399, postmasters and other installation heads designated to report star route performance shall, from data recorded on Form 5399, complete Form 5400, "Report of Service on Star Route (RS–TR–9)," immediately after the close of each accounting period and forward it directly to the proper transportation requirements and procurement officer. Only irregularities that might affect contractor's pay shall be listed on Form 5400, such as additional trips, detours, and omitted service. If two or more forms are to be submitted, enclose in envelope. Single reports must not be enclosed in envelopes.

(3) *Form 5397, star route extra trip authorization.* Where the transportation requirements and procurement officer must frequently authorize extra trips on a star route, he shall require the postmaster or other installation head responsible for reporting the extra trips to complete Form 5397, "Star Route Extra Trip Authorization (RS–TR–73)," in accordance with instructions on the form.

(c) *Special reports*—(1) *By postmasters and other designated installation heads.* (i) Submit immediate narrative report to the transportation requirements and procurement officer when the following types of irregularities occur:

(*a*) Failure of carrier to depart or arrive.

(*b*) Chronic or frequent delays of 15 minutes or more in departure or arrival even though mail is not delayed in delivery.

(*c*) Any delay resulting in delay in delivery, missed connections, or disruption of work schedules in office.

(*d*) All available mail not taken.

(*e*) Departure of carrier ahead of schedule without permission of responsible postal official.

(*f*) Damage to or destruction of mail.

(*g*) Misconduct of driver or contractor.

(ii) Submit report to the transportation requirements and procurement officer when roads regularly traveled by carrier are changed or become permanently obstructed, necessitating use of other roads.

(2) *By carriers.* Carriers who fail to provide required service must make a prompt explanation to the postmaster at the head of the route.

§ 94.8 Routes under administration of postmasters.

(a) *Selection of routes and designation of postmaster.* Certain star routes, consisting principally of those maintained exclusively for box service, those emanating from a sectional center and operating only to satellite offices, and those making no connection to major carriers or sources of supply at outer or intermediate termini, are placed under the immediate supervision and administrative control of one of the postmasters on the route. The Regional Operations Director will select the routes and designate the postmasters to whom the administrative and supervisory authority will be delegated.

(b) *Issuance of instructions.* Appropriate instructions in connection with this delegated authority will be issued to postmasters and contractors by the distribution and traffic manager.

(c) *Responsibilities and duties of postmasters.* Postmasters at all other offices on a route shall report irregularities, complaints, and any other local problems in connection with the operation of the route to the designated postmaster, who shall:

(1) Give daily supervision to the contractor's operations to assure compliance with the contract.

(2) Investigate complaints regarding service on the route and take corrective action wherever possible.

(3) Investigate irregularities shown in § 94.3(g)(1), or any other serious irregularities, and report them to the transportation requirements and procurement officer. Use Form 5178, "Notification of Irregularity," preparing one copy only by hand or typewriter. Make similar report of any full or partial trips not performed due to fault or negligence of contractor, showing miles of service omitted, and reason for omissions.

(4) Prepare recommendations for establishment, discontinuance, or changes in existing routes on Form 5471, "Recommendation for Star Route Change," and forward to the transportation requirements and procurement officer.

(5) Make an annual inspection of routes under his administrative control. Inspection of box delivery routes will be similar to that for rural delivery routes.

(6) Review contractor's request for readjustment of pay. See Subpart F of this part.

(7) Certify service performed at end of each accounting period to the transportation requirements and procurement officer, on Form 5400. See § 94.7 (b). Include all omitted service and reasons therefor even though previously reported on Form 5178.

Subpart B—Mail Messenger Service

§ 94.12 Description.

Mail messenger service is a local mail transportation service performed by mail messengers designated by the Post Office Department to collect, transport and transfer mail between post offices, stations, and branches and railroad terminals, steamboats, highway post offices, star routes, truck terminals, airport mail facilities, and stop points in the same or adjacent communities, including collection of mail from collection boxes when so directed by the transportation requirements and procurement officer. It may be used for occasional unscheduled trips of intercity mail or mail equipment transportation over longer distances. When service is principally for scheduled inter-city transportation, use star route service. When local service is so extensive that a performance bond is needed to protect the Government's interest, use contract motor vehicle service.

§ 94.13 Establishing service.

(a) *Authorizing service.* (1) When an immediate need for service develops, the postmaster shall apply to the transportation requirements and procurement officer for authority to employ a temporary messenger. Application must show the necessity for service and the lowest rate obtainable.

(2) If the transportation requirements and procurement officer determines that temporary service is justified, he will authorize the postmaster to employ a temporary messenger. No service shall be put into effect until authorized by the transportation requirements and procurement officer.

(3) When the need for service is not immediate it is usually desirable for the transportation requirements and procurement officer to advertise for regular service. He may advertise temporary routes for regular service at any time he considers it desirable.

(4) The postmaster shall furnish the transportation requirements and procurement officer a detailed description of the service required showing for each one-way trip, the origin, loading time, leaving time, average number of pieces handled, distance, destination, arriving time, unloading time, train or trip number connected (if any), and average waiting time (if any) for late train or other carrier.

(5) The transportation requirements and procurement officer may require postmasters at fourth-class offices to transport mail between the post office and railroad station or other exchange points without additional pay provided:

(i) The exchange point is within one-fourth of a mile of the post office.

(ii) No motor or horse-drawn vehicle is required.

(iii) Transporting the mail will not cause an unreasonable hardship on the postmaster.

(6) When mail messenger service cannot be obtained at a reasonable rate, the regional operations director may authorize postmasters to assign postal employees to transfer mail between the post office and exchange points as a part of their regular duties.

(7) The transportation requirements and procurement officer may require the messenger to provide trucks that are covered, locked, screened, paneled, or otherwise designed to protect the mail.

(b) *Advertising for service.* (1) When a regular designation is necessary, the transportation requirements and procurement officer will prepare specifications and instruct the postmaster at the office where service is needed to advertise for 10 days to obtain competitive sealed proposals.

(2) The postmaster shall post the advertisements in the most conspicuous place in the lobby of the post office and at other points where they can be seen by persons most likely to place bids. He must give the widest publicity possible to all advertisements, without expense to the Postal Service.

(c) *Requirements for bidders*—(1) *Age.* Mail messengers must not be under 18 years of age.

(2) *Residence.* The bidder must either reside on or adjoining the route on which service is to be performed, or file with his bid an agreement that, if designated as mail messenger, he will reside on or adjoining the route.

(3) *Reliability.* Postmasters and transportation requirements and procurement officer shall disapprove bidders who:

(i) Have known criminal records involving moral turpitude or dishonesty.

(ii) Have traffic records which indicate that it would be hazardous to permit them to operate vehicles.

(iii) Are unable to furnish adequate equipment.

(iv) Are aliens.

(4) *Eligibility of postal employees.* (i) Postal employees and members of their immediate families (persons who are members of the same household or dependent one upon the other for support) may or may not become bidders, messengers, or assistant messenger, or receive compensation for carrying the mail on mail messenger routes as shown in the following chart, subject to conditions in subdivisions (ii) and (iii) of this subparagraph.

Employee's position	Mail messenger annual rate of compensation	
	Exceeds $900 [1]	Is $900 or under
Postmaster and assistant postmaster at:		
First- and second-class offices.	Ineligible.	Ineligible.
Third- and fourth-class offices.	do.	Eligible.
Members of immediate family of postmaster and assistant postmaster at:		
First- and second-class offices.	do.	Do.
Third- and fourth-class offices.	Eligible.	Do.
Special delivery messenger [1]	do.	Do.
Other postal employees	Ineligible.	Do.
Member of immediate family of postal employees other than postmaster and assistant postmaster.	Eligible.	Do.

[1] Includes routes originally paying less than $900 increased to over $900.

(ii) Any employee is ineligible if his interest in mail messenger service interferes with his postal duties. Before accepting an employee's proposal or permitting his employment under a mail messenger designation, the transportation requirements and procurement officer must get a statement from the postmaster that the employee's interest in mail messenger service will not interfere with his postal duties.

(iii) Any employee or any member of his immediate family is ineligible if the employee has access to mail messenger files during the period when bids are being received.

(d) *Bid procedures*—(1) *Submitting.* Advertisements specify that bids will be submitted to the distribution and traffic manager. Postmasters shall not accept bids except as sealed, postage-paid letters addressed to the distribution and traffic manager. Bids mistakenly mailed to postmasters should be forwarded at once unopened to the distribution and traffic manager. If the amount of any bid becomes known in any way to the postmaster, he must not divulge it to anyone. This type of information may be disclosed only after all bids have been opened, subject to public observation, by the regional bid-opening committee and the information made available, as may be requested, to interested parties.

(2) *Returning advertisement.* Immediately after the closing date of the advertisement, the postmaster shall forward the actual posted copy to the distribution and traffic manager, endorsed to show the period of time and place it was posted, accompanied by a statement showing how it was publicized.

(3) *Opening and awarding.* The proposals shall be opened in the office of the distribution and traffic manager. The lowest acceptable bidder must be designated as the mail messenger if award is made. The right is reserved to reject any or all bids if they are not acceptable, but sufficient information must be shown on the designating order to justify such action.

(e) *Designation of messenger.* The transportation requirements and procurement officer must prepare the mail messenger's notice of designation in quadruplicate on Form 5489, "Notice of Designation of Mail Messenger." He must send a copy (with sufficient copies of Form 5498, "Oath of Mail Messenger," for the messenger and his assistants) to the postmaster concerned. Immediately upon receipt of his copy, the postmaster must administer the oath and notify the designated messenger to begin service on the date specified in the notice. At the same time, he must inform the retiring messenger of the date he is to be released.

(f) *Oaths.* Form 5498 is required of all regular, assistant, and temporary mail messengers. Immediately upon their acceptance of the position, the postmaster shall forward the completed Form 5498 to the transportation requirements and procurement officer. Postmasters shall not stock Form 5498. If additional copies are needed to administer the oath to new assistants, request them from the distribution and traffic manager. Postmasters have a continuing responsibility as assistants are replaced, to see that each new assistant is given the oath.

(g) *Employment of assistants.* Messengers shall personally supervise the performance of service. They must not assign or sublet the service, but they may employ assistants at their own expense during absence from duty for short periods. The assistants must conform to all requirements stated for the messenger himself. They must be approved by the postmaster in charge of the service.

§ 94.14 Operation.

(a) *Postal services provided.* (1) Mail messengers shall obey all orders and regulations or special instructions from the Post Office Department, transportation planning and procurement officer, the field services officer, or the postmaster affecting the mail messenger service.

(2) When required by the transportation requirements and procurement officer, mail messengers must:

(i) Receive the mail from and deliver it into post offices and to air carriers or airport mail facilities; and receive from and deliver to mail cars and steamboats when such cars or boats are accessible.

(ii) Deliver and receive mail at mail cars even when not accessible to his vehicle, if mail trains arrive at times when no railroad representative is on duty. If the use of hand trucks is necessary, the railroad company shall furnish them. Messengers are not required to load mail across or move hand trucks across live tracks.

(iii) Deliver and receive mail at mail cars not accessible to his vehicle if the mail can be readily handled by hand on

one trip, even though a railroad representative is on duty.

(iv) Place mail on cranes, at points where the use of cranes is necessary, if the mail can be readily handled by hand at one trip, even though a railroad representative is on duty.

(v) Deliver to and receive from railroad and steamboat employees at the nearest accessible point when those employees are on duty and the volume of mail is too large to be handled by hand at one trip.

(vi) Make collections from hasp and staple-type collection boxes locked by METRO series padlocks. Postal installations managers will arrange for METRO padlocks and keys to be furnished postmasters at offices where mail messengers are authorized to make collections from collection boxes.

(vii) Perform service in accordance with the schedules of arrivals and departures prescribed by the postmaster.

(viii) See § 94.3(e)(6)(iv).

(b) *Instructions to messengers.* (1) The transportation requirements and procurement officer will prepare Form 5489 "Notice of Designation of Mail Messenger," so that service requirements will be properly and clearly stated.

(2) The postmaster must instruct the messenger in the performance of his duties as stated on Form 5489. Subject to the approval of the transportation requirements and procurement officer, the postmaster must prescribe schedules of arrival and departures. He must require the messenger to wait for and receive mail from and deliver it to delayed trains, planes, or boats. Messengers may be required to wait 2 hours for delayed carriers unless local conditions are such that the transportation requirements and procurement officer designates a specific waiting time more or less than 2 hours.

(c) *Changes in service*—(1) *Extension.* The postmaster shall obtain authorization from the transportation requirements and procurement officer before extending the service of a mail messenger beyond the limits stated in the advertisements. The transportation requirements and procurement officer will issue the necessary instructions on Form 5440 C–D–E, "Contract Route Service Order."

(2) *Reduction.* Observe the following before making any reduction in service:

(i) Postmasters shall report promptly to the transportation requirements and procurement officer when requirements are reduced due to curtailment of RPO service, change of location of post office, railroad station, or airport, etc.

(ii) In the event of service changes, postmasters shall not reduce requirements without appropriate instructions from the transportation requirements and procurement officer.

(iii) The transportation requirements and procurement officer is responsible for negotiating a lower rate, if possible, when service is reduced. He should request assistance from the postmaster or the field services officer in this respect.

(iv) If a reasonable lower rate is obtained, the transportation requirements and procurement officer will restate service and pay on Form 5440 C–D–E.

(v) When a reasonable rate cannot be negotiated, the transportation requirements and procurement officer will readvertise the route.

(d) *Irregularities*—(1) *Observation of service.* Postal employees shall observe the services performed by mail messengers at railroad stations or other facilities and report any failures or irregularities that come to their attention.

(2) *Record of irregularities.* (i) The postmaster shall: (*a*) Keep an accurate record of all delays, omitted trips, and other irregularities; (*b*) report omitted trips when certifying payment of Form 2640, "Postmaster Certification of Mail Messenger Service Performed (RS–FI–78)"; (*c*) immediately report each irregularity, including omitted trips, by memorandum to the transportation requirements and procurement officer. Report should show cause and messenger's explanation, if known.

(ii) The transportation requirements and procurement officer must issue a brief against the messenger on Form 5178, "Notification of Irregularity," for each serious irregularity unless the postmaster's report includes satisfactory explanation.

(3) *Assessing fines.* (i) Messengers shall be allowed a reasonable time to explain irregularities briefed on Form 5178. An unsatisfactory explanation or no reply may become the basis for assessing fines against messengers.

(ii) Distribution and traffic managers or regional operations directors may assess fines against messengers in amounts of $1 or more depending on the gravity of the irregularity.

(iii) Regional controllers will deduct fines from payment due messengers, upon receipt of Form 5440–C "Contract Route Service Order" signed by the distribution and traffic manager or regional operations director.

(4) *Investigation of complaints.* (i) The transportation requirements and procurement officer will direct investigation of complaints of improper or unsatisfactory service.

(ii) The regional operations director will investigate complaints of irregular handling of advertisements or bids.

§ 94.15 Protection of mail.

(a) *Failure to protect mail.* Mail messengers may be held financially liable for loss or damage to mail in their custody. They are also accountable and answerable in fines for failure to:

(1) Carry the mail in a safe and secure manner.

(2) Guard the pouches and other mail in their custody from theft or damage by water or any other source.

(3) Return and deliver the mail into the post office, notifying the postmaster, when for any reason he is unable to make proper dispatch of the mail in his custody (for example, a railway post office's failure to catch a pouch from a crane). The mail messenger must not retain mail in his home.

(b) *Access to keys.* Mail messengers must not have access to rotary, LA, street letter box (other than METRO series—see § 94.14(a)(2)(vi) or post office workroom keys unless they are also postal employees and require the key or keys in the course of their postal duties.

§ 94.16 Termination of service.

(a) *For improper service.* Distribution and traffic managers must try to correct irregularities by cooperating with the postmasters in direct action and the imposition of fines. If this fails, the following steps should be taken, as appropriate:

(1) Consideration should be given to terminating the designation and advertising for another messenger.

(2) If necessary to replace the mail messenger immediately, the transportation requirements and procurement officer must authorize the postmaster to employ the temporary service necessary at a rate not exceeding that at which service on the route was authorized.

(3) If temporary service cannot be obtained at the existing rate, the postmaster must ascertain the lowest rate obtainable and report this, with a statement of necessity, to the transportation requirements and procurement officer. If time is a factor, the report may be made by wire.

(b) *For changed service conditions.* (1) Service may be rendered unnecessary by changed service conditions (such as the discontinuance of a post office, extension of rural or star route service, direct supply by highway post office or railroad, truck service, etc.). A postmaster shall not discontinue the service without appropriate instructions from the transportation requirements and procurement officer.

(2) The transportation requirements and procurement officer may discontinue the service or require postmasters at fourth-class offices to perform it when he considers such action warranted. (See § 94.12(a)(5).)

(3) The transportation requirements and procurement officer must use Form 5440 C–D–E "Contract Route Service Order" in giving notice of discontinuance of service and elimination of expenditure. He should also indicate the substituted service, if any.

(c) *By messenger.* (1) If a messenger dies, resigns, or abandons the service for any reason, the postmaster shall immediately report the facts to the transportation requirements and procurement officer for his action. A messenger may resign at any time by giving written notice 45 days in advance. In justifiable cases, the 45-day notice may be waived. If immediate replacement service is necessary, proceed as in paragraph (a)(2) and (3) of this section.

(2) When a messenger is relieved of his contractual obligations due to being called to military service, or is compelled to suspend his services because of illness or other valid reason, the postmaster must ascertain whether he desires to resume his duties when possible. The postmaster must advise him that his designation will be continued with the provision that changing conditions during his absence may necessitate its reduction or termination. If the messenger wishes to continue with this understanding, his regular service and pay may be suspended pending his return. During the interim, the transportation requirements

and procurement officer may designate a temporary messenger. When the temporary service can be obtained only at a higher rate, it can be authorized if the rate is considered reasonable. It may be necessary to advertise for temporary service during the emergency.

§ 94.17 Payments.

(a) *Certification.* (1) Regional controllers will pay messengers at the close of each accounting period after certification of service performed by postmaster or transportation planning and procurement officer.

(2) The transportation requirements and procurement officer will certify service provided under special agreements for handling non-rail mail and loading or unloading trucks or trailers in the manner prescribed in the agreements. Postmasters and installation heads designated to certify performance of mail messenger service shall use Form 2640, "Postmasters Certification of Mail Messenger Service Performed (RS–FI–78)".

(b) *Termination.* (1) The postmaster must immediately notify the transportation requirements and procurement officer when the service of a messenger is terminated.

(2) The transportation requirements and procurement officer shall immediately notify the regional controller to suspend payment until official order on Form 5440–C "Contract Route Service Order" is received showing date of termination.

(c) *Readjustment of compensation.* See Subpart F of this part.

Subpart C—Highway Post Office Service

§ 94.20 Description.

(a) *Authorization.* (1) Highway post offices are bus-type vehicles operated over designated routes, authorized by the Post Office Department for the acceptance, receipt, distribution, storage, dispatch, and delivery of mail by mobile clerks. All these vehicles are operated by private individuals or companies under contract with the Department.

(2) Government-owned HPO vehicles may be operated experimentally or in emergencies.

(b) *Title designation.* The title of a route is derived in the same manner as that of a railway post office.

(c) *Services*—(1) *Location.* Highway post offices are set up in areas where highway transportation and en route distribution can appreciably advance mail delivery to postal patrons and afford them expiditious dispatch of their outgoing mail.

(2) *Schedules.* Highway post office routes operate on fixed schedules which are arranged, whenever possible, to provide early morning receipt and late afternoon dispatch for the post offices along the route.

(3) *To intermediate offices.* The postmaster to whom the highway post office route is assigned shall issue instructions for exchange of mail with intermediate offices.

(4) *Supervision over service.* Direct supervision of highway post office service will be assigned to the designated postmasters or installation heads.

§ 94.21 Contracting.

(a) *Ineligible bidders.* Postal employees and members of their immediate families may not submit bids, hold contracts, or be concerned with bonds for highway post office service.

(b) *Agreement of contractors.* The contractor must agree not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. He will be guided by the provisions contained in Form 5466, "Highway Post Office Contract General Provisions."

(c) *Award of contracts.* Contracts for highway post office service are subject to the terms of the advertisement for the service and are awarded to the lowest responsible bidder meeting these terms.

(d) *Services required of contractor*—(1) *Providing vehicles.* The contractor must furnish the specified number of vehicles, fitted up, maintained, and operated in accordance with the specifications, rules, and regulations prescribed by the Postmaster General. He must also have available sufficient spare vehicles to maintain service, while regular vehicles are being serviced or repaired. The specifications (POD Publication 10) require the use of the latest safety features to give the greatest possible protection to personnel and mail. The required construction limits distortion to a minimum in the event of a collision. These vehicles shall be equipped with letter and paper distributing tables, pouch racks, overhead paper boxes, letter cases, drawer which may be locked with LA locks, clothes locker, folding lavatory, and drinking water container. A screened metal partition must be installed between the driver's compartment and the working area.

(2) *Providing drivers.* The contractor shall furnish drivers who must comply with laws and regulations, as follows:

(i) *Qualifications.* Drivers must be licensed chauffeurs not less than 21 years of age. They must be of good character and intelligence and physically qualified to perform service. They must have no criminal records involving moral turpitude or dishonesty or traffic records that indicate their driving motor vehicles would be dangerous.

(ii) *Supervision.* Drivers must comply with all proper orders and instructions of the foreman of their vehicles that are consistent with safety. Safe operation of the vehicle is the responsibility of the driver.

(iii) *Schedule of duty.* Drivers' schedules must be arranged to comply with Interstate Commerce Commission safety regulations or Post Office Department regulations requiring sufficient rest periods between trips to assure alert, efficient operation of the vehicles.

(iv) *Duties.* The driver must: (*a*) Comply with the applicable provisions of subparagraph (4) and (5) of this paragraph regarding the operation of the vehicle and the performance of service.

(*b*) Transfer mail as provided in subparagraph (6) of this paragraph.

(c) Immediately request instructions from the foreman of the vehicle when the highway on the designated route becomes impassable for any reason.

(v) *Liability for accidents.* The contractor and driver are responsible for accidents occurring in the operation of the vehicle. The Post Office Department is not responsible for damage caused by contract vehicles operated by contractors or their employees.

(3) *Placing vehicles.* The contractor must place the highway post office vehicles at the terminals of the routes at the designated times.

(4) *Operating vehicles.* The contractor must: (i) Furnish evidence of financial ability to cover liability for personal injuries in the amount of $100,000.

(ii) Know and comply with both intrastate and interstate laws governing the operation of motor vehicles.

(iii) Observe all safety measures for the protection of the general public and operating personnel as prescribed by applicable State and Federal laws and regulations governing the operation of motor vehicles, as well as the safety regulations of the Interstate Commerce Commission or those prescribed by the Post Office Department.

(iv) Observe schedules on all routes according to standard time unless otherwise specified.

(5) *Performing service.* The contractor must: (i) Perform service promptly, reliably, safely, and without interruption. If he fails to do so after his attention has been called to delinquencies, the distribution and traffic manager may impose fines for past failures and order the removal of the driver and vehicle from the route. It may order the employment of temporary service at the expense of the contractor until he provides a satisfactory driver.

(ii) Perform service within the limit of the running time prescribed in the advertisement under which he submitted bid.

(iii) Comply with all orders and instructions from the transportation requirements and procurement officer and the supervising postmaster.

(6) *Transporting, transferring, and delivering mail.* The contractor must: (i) Transport all mail to the cubical or weight capacity of the vehicle, promptly, reliably, and safely. This includes foreign mail in transit across the continental United States or its territories.

(ii) Transfer mail between the vehicle and postal installations when the vehicle can normally be driven to a point within 150 feet of the door or tailboard space of the installation, or place the vehicle at the platform or loading dock of a postal installation to permit hand-to-hand exchange of mail between clerks in the door of the vehicle and clerks on duty at the installation. The transportation requirements and procurement officer is expected to make reasonable adjustments in these requirements by agreements with postmasters and contractors to assure on-time operation.

(iii) Deliver mail to each intermediate post office on the route on both outward and inward trips unless otherwise instructed by the supervising postmaster.

(7) *Transporting postal officials.* The contractor must transport on regular trips all duly accredited officials of the Postal Service, traveling on official business, on presentation of their credentials. The contractor or his driver must not make known to any person at any time the presence of a postal inspector in his vehicle or in the vicinity of the route.

(8) *Transporting passengers.* Contractors are prohibited from carrying passengers in highway post office vehicles, other than postal personnel and contractors' employees. Contractors' employees may be permitted to ride in the driver's compartment when traveling on company business directly related to highway post office service, when such travel does not interfere with safe operation of the vehicle.

(e) *Extensions, discontinuances, and changes.* The distribution and traffic manager may:

(1) Order an increase in service on any route.

(2) Change schedule of arrivals and departures in all cases, particularly to make them conform to connections with railroads and other mail routes.

(3) Discontinue, change, or curtail the service, to improve the mail service or to serve the public interest.

(4) Extend the service on a route to improve mail service.

(f) *Subcontracts.* Contractors for highway post office service must not subcontract the service unless the subcontract is approved by the distribution and traffic manager. Approved subcontractors must perform the same service required of the original contractor.

(g) *Payments*—(1) *For regular service.* See § 94.3(h)(1).

(2) *Allowance for detours.* See § 94.3(h)(4).

(3) *Readjustment of compensation.* See subpart F of this part.

(4) *Levying of deductions and fines.* See § 94.3(h)(7).

(h) *Inspection of highway post office vehicles.* Vehicles and equipment will be inspected by officials of the Post Office Department to assure compliance with departmental instructions.

§ 94.22 Reports and certifications.

(a) *Recurring reports.* The designated postmaster or other installation head shall analyze trip reports and immediately after the close of each accounting period, certify to the distribution and traffic manager that all regularly scheduled service was performed or list exceptions by dates, giving reasons for omitted service, additional trips, and detours.

(b) *Special reports of irregularities.* Postmasters and other designated installation heads shall submit immediate narrative report to the distribution and traffic manager when the following types of irregularities occur:

(1) Gross negligence on the part of the contractor or his employees.

(2) Trips repeatedly not performed or service omitted.

(3) Delays of 30 minutes or more due to the driver's failure to report or due to equipment failure. (Delays of less than 30 minutes may be briefed in unusual circumstances.)

(4) Heat and light failures of 30 minutes or more during one round trip.

(5) Unsanitary and unclean conditions in the vehicle.

(6) Failure to provide potable water.

(7) Loss or damage to mail or postal equipment.

(8) Failure of the contractor or his employees to follow reasonable instructions of postal officials or employees.

(9) Violation of postal laws or regulations.

(10) Failure to give proper supervision to performance of contracted service.

(11) Transporting as cargo matter due to be in the mail.

(12) Entrusting the vehicle to an unsuitable person.

(c) *Accident reports*—(1) *Contractor's reports.* The postmaster to whom the highway post office is assigned shall require the contractor to submit reports of all accidents while the highway post office is operating. Copies of State, municipal, ICC, insurance carrier's accident report forms, or a narrative written report, are acceptable.

(2) *HPO supervisor's report.* Accidents are reported to the postmaster to whom the highway post office is assigned on trip reports. See that each accident reported on trip is followed by the contractor's report of accident. Standard Form 92, "Supervisor's Report of Accident," must accompany trip report if postal employees are injured.

(3) *Postmaster's reports.* The postmaster to whom the highway post office is assigned must take the following action on receipt of accident reports:

(1) Advise the inspector in charge immediately of any accidents requiring inspection service attention.

(2) Report serious accidents immediately to the distribution and traffic manager.

(3) Compare contractor's report with trip report.

(4) Prepare and submit a brief abstract of accident to the transportation requirements and procurement officer to include the following:

(i) Route.
(ii) Trip Number.
(iii) Date.
(iv) Time.
(v) Place.
(vi) Weather conditions.
(vii) Injuries.
(viii) Damages.
(ix) Other vehicles or object involved.
(x) Any other pertinent information.

(5) Submit contractor's report to regional safety officer and, if postal employees are injured, submit Standard Form 92.

Subpart D—Water Route Service

§ 94.25 Description.

Water route service is a contract service established by the Post Office Department to provide for the transportation of mail between post offices, or other designated points, via steamboats, or other powerboats, when land transport is unavailable or impracticable. It is operated under formal contracts, awarded after competitive bidding. In addition to transportation of mail, contracts may require:

(a) Box delivery and collection service.

(b) Sale of stamp stock.

(c) Delivery of registered, insured, certified and COD matter.

(d) Acceptance of matter presented for registration, certification, or insurance, or to be sent COD, and money with applications for money orders.

(e) Facilities for distribution of mail en route by postal clerks.

§ 94.26 Postal services provided.

(a) *Exchange of mail.* The contractor shall exchange mail with:

(1) All intermediate post offices and non-post office points on the route, as stated in the advertisement, on both outward and return trips, unless otherwise instructed.

(2) Post offices established after the advertisement is issued. No additional pay is made in such instances if the distance is not increased.

(3) Post offices at each end of the route, unless the distribution and traffic manager has otherwise provided for such terminal service.

(4) Mail carriers on connecting routes, if necessary.

(b) *Box delivery and collection service.* Advertisements and contracts state whether box delivery and collection service is required. They also state the scope of such service. The instructions contained in Part 49 of this chapter are applicable to water route service, so far as practicable. See also § 94.2 (b) and (c).

(c) *Acceptance of mail en route.* Every mail carrier shall receive any mail presented to him, if it is properly prepaid by stamps, and deliver it at the next post office at which he arrives. No fees are allowed for this service.

(d) *Other postal services.* On routes where the provisions of the contract require, the carrier must sell stamp stock and transact money-order and registry business in accordance with the instructions contained in the advertisement.

§ 94.27 Contracts.

(a) *Contract terms.* See § 94.3(a).

(b) *Obtaining bids.* See § 94.3(c) except subparagraph (2)(i)(*a*) thereof as bidders for water route service are not restricted as to residence.

(c) *Award of contract.* See § 94.3(d).

(d) *Contractor's responsibilities*—(1) *Providing equipment.* Contractors must provide:

(i) Steamboats or other powerboats which are safe, suitable, and satisfactory to the Post Office Department.

(ii) The means necessary to transport all mail, regardless of size, weight, or increase in volume during the term of the contract.

(2) *Performing service.* Contractors shall:

(i) Carry the mail or supervise the service in person or by an agent.

(ii) Be held accountable for the acts and omissions of the persons to whom they commit the care and transportation of the mail and for careful and faithful performance of duties by those persons. They shall discharge any persons engaged in carrying the mail whenever the

distribution and traffic manager requires that they take such action.

(iii) Carry the mail with certainty, celerity, and security.

(iv) Transport foreign mail in transit across the territory of the United States.

(v) Not carry, otherwise than in the mail, letters that should go by mail or transport any person engaged in carrying letters that should go by mail.

(3) *Maintaining schedules.* Contractors shall:

(i) Provide service by schedules satisfactory to the distribution and traffic manager.

(ii) Observe the schedule stated in the advertisement or such other schedule of like running time as may be directed by the transportation requirements and procurement officer having supervision over the route.

(4) *Giving preference to mail.* See § 94.3(e)(3).

(5) *Transporting postal employees and equipment.* (i) Postal clerks may be assigned to water routes. The contractor on those routes shall provide and fit up suitable space for their use in accordance with specifications in the advertisements.

(ii) Contractors shall furnish post office officials, on exhibition of credentials, transportation on trips handling mail between scheduled points on the mail route.

(iii) The contractor shall transport, without extra charge, all post office blanks, mail bags, lock and keys, and other postal supplies offered to him.

(6) *Providing carriers.* (i) *Qualifications.* See § 94.3(e)(7)(ii).

(ii) *Persons ineligible.* See § 94.3(e)(7)(iii).

(iii) *Oaths.* See § 94.3(e)(7)(iii).

(e) *Renewals, extensions, and changes without advertising*—(1) *Renewals.* See § 94.3(f)(1).

(2) *Extensions of contract period.* See § 94.3(f)(2).

(3) *Changes in service*—(i) *Extensions of service.* Service may be increased or extended by allowing a pro rata increase in compensation, but the contractor, if he prefers, may elect to relinquish the service on timely notice.

(ii) *Reduction of service.* Service may be curtailed or discontinued in whole or in part by allowing 1 month's extra pay on the amount of service dispensed with and not exceeding pro rata compensation for the service retained.

(f) *Irregularities*—(1) *Deductions or fines.* See § 94.3(g)(1).

(2) *Forfeitures or contract annulment.* See § 94.3(g)(2).

(g) *Payments*—(1) *Payments.* See § 94.3(h)(1).

(2) *Pound rate contracts.* Claims for payment for service performed will be submitted by the contractor to the distribution and traffic manager each accounting period, on Standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," with two copies of 1034A, "Memorandum Copy of SF 1034," supported by an itemized statement of all service performed, rates per pound, and the amount due. All items shown on the itemized statement shall be verified against Forms 2227, "Power Boat Mail Bill." Standard Form 1034 will be covered by certification of service on Form 5428, "Certification of Contract Service Performed," to the regional controller.

(3) *Readjustment of compensation.* See Subpart F of this part.

§ 94.28 Protection of mail.

See § 94.6.

§ 94.29 Records and reports.

See § 94.7. In lieu of Form 5400 "Report of Service on Star Route" postmasters and other designated installation heads may be required by transportation requirements and procurement officers to submit reports on Form 2227 "Water Route Mail Bill." (See instructions on the form.)

§ 94.30 Routes under administration of postmasters.

See § 94.8.

Subpart E—Contract Motor Vehicle Service

§ 94.34 Description.

Contract motor vehicle service is similar to mail messenger service, except that it is provided under formal contracts with bonds for specified terms. It is used for the same purposes as shown for mail messenger service. See § 94.12.

§ 94.35 Establishment.

(a) *Authorization.* Transportation of mail by contract motor vehicles may be authorized in cities, under formal contract with bond.

(b) *Advertisements.* Contract motor vehicle service is advertised the same as star routes, except that advertisements are prepared on Form 5447, "Advertisement for Mail Service (Panel Body Route). See § 94.3(c)(1).

(c) *Requirements for bidders.* Bidders must meet the following qualifications:

(1) *Age.* Contract motor vehicle contractors shall not be under 21 years of age, and their assistants not under 18.

(2) *Residence.* See § 94.13(c)(2).

(3) *Reliability.* See § 94.13(c)(3).

(4) *Dual employment.* See § 94.3(c)(2)(i) (b) and (c).

(d) *Bid procedures.* See § 94.3(c). Form 5449, "Panel Body Service Bid and Bond", is used in submitting bids for contract motor vehicle service.

(e) *Oaths.* See § 94.3(d)(9).

(f) *Employment of assistants.* Contract motor vehicle contractors must either personally supervise their contracts or employ competent supervisors who will personally supervise performance of the contracts. They may not assign or sublet their contracts without approval of the distribution and traffic manager. They may employ assistants at their own expense. Assistants so employed must meet the minimum requirements shown in paragraph (c) of this section.

§ 94.36 Operation.

(a) *Postal services provided.* Contract motor vehicle contractors and their assistants must receive and dispatch mail in accordance with regulations stated for mail messengers. See § 94.14(a).

(b) *Instruction for contractors.* Postmasters shall instruct contract motor vehicle contractors as to service requirements in accordance with instructions contained in advertisements.

(c) *Changes in service.* (1) *Extension.* The transportation requirements and procurement officer will issue orders for extension of contract motor vehicle service.

(2) *Reduction.* Postmasters shall report promptly to the transportation requirements and procurement officer when contract motor vehicle requirements are reduced, so that a lower rate may be negotiated.

(d) *Irregularities*—(1) *Observation of service.* See § 94.14(d)(1).

(2) *Record of irregularities.* See § 94.14(d)(2).

(3) *Assessing fines.* See § 94.14(d)(3).

(4) *Investigation of complaints.* See § 94.14(d)(4).

§ 94.37 Protection of mail.

Contract motor vehicle contractors and their employees must protect the mail in the manner stated in § 94.15. Contractors and sureties may be held financially liable for loss or damage to mail in their custody.

§ 94.38 Termination.

(a) The transportation requirements and procurement officer, after approval by the Bureau of Transportation, may annul any contract motor vehicle contract for failure by the contractor or any of his employees to perform service or to furnish equipment in accordance with the provisions of the advertisement.

(b) The transportation requirements and procurement officer may discontinue the service under a contract motor vehicle contract whenever the public interest requires discontinuance, by allowing, as full indemnity to the contractor, as extra pay one-twelfth of the per annum rate, unless the contract has been terminated for cause.

§ 94.39 Payments.

(a) *Contract payments.* Regional controllers must pay contract motor vehicle contractors at the close of each accounting period upon certification that service has been performed. Payment may not be made without an order awarding or renewing contract.

(b) *Readjustment of compensation.* See subpart F of this part.

Subpart F—Contract Pay Adjustments

§ 94.43 Eligibility for adjustment.

The laws authorizing pay adjustments provide that the compensation of a contractor may be readjusted with his consent for increased or decreased costs occasioned by changed conditions occuring during the contract term which could not reasonably have been anticipated at the time of contracting or re-

newing. Only regular contractors or subcontractors are eligible for consideration (star, T-route, water, mail messenger, contract motor vehicle, and highway post office).

§ 94.44 Requests for adjustment.

The written request must be by the contractor or subcontractor, whoever operates the route. It is unlawful for a Government official to encourage such claim. The postmaster shall forward all requests to the distribution and traffic manager.

§ 94.45 Comparative cost statement and operating data.

(a) *Furnishing forms.* When the distribution and traffic manager receives a readjustment request, either through a postmaster or directly from a requester he shall distribute Form 5478, "Comparative Cost Statement and Operating Data, Contract Services," under cover of Form 5478–A, "Transmittal Letter and Instructions for Completing Form 5478," as follows:

(1) *For routes under postmaster's supervision.* The supervising postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A.

(2) *For routes not under postmaster's supervision.* When the verification or comments of a postmaster are desired, the postmaster shall be furnished four copies of Form 5478, under cover of Form 5478–A: otherwise, the requester will be furnished directly with two copies of Form 5478 under cover of Form 5478–A.

(b) *Completing forms.* (1) When the postmaster receives Forms 5478 and 5478–A, he shall deliver two Forms 5478 and the Form 5478–A to the requester. He shall retain two Forms 5478 and independently complete the postmaster section of the forms.

(2) When the requester returns Form 5478, the postmaster shall review the form with him for reasonableness, accuracy, and completeness. The postmaster shall point out any obvious errors or discrepancies, and suggest correction; but shall not suggest increasing the amounts claimed.

(3) The postmaster shall compare the information independently collected as instructed in subparagraph (1) of this paragraph. If substantially in agreement, he shall transcribe the information in the Postmasters' Statement to the requester's completed form and shall sign and forward the form to the distribution and traffic manager. The postmaster shall retain a copy of the form showing his comments and statements.

(4) If the postmaster and the requester disagree, the postmaster shall sign one of the forms completed by him and forward it with the requester's Form 5478 to the distribution and traffic manager.

(c) *Highway post office readjustments.* The processing of HPO readjustments will be handled directly between distribution and traffic managers and contractors or subcontractors. Form 5478 for this service need not have the Postmasters' Statement completed.

PART 95—TRANSPORTATION OF MAIL BEYOND BORDERS OF UNITED STATES

Sec.

95.1 Transportation and protection of mail between post offices and ships.
95.2 Certificate for ship letters and payment of shipmaster.
95.3 When fees on ship letters not allowed.
95.4 Compensation for transportation of surface mails.
95.5 Rates for rail service across Isthmus of Panama.
95.6 Fines on steamship companies transporting mail beyond borders of United States.

AUTHORITY: §§ 95.1 to 95.6 issued under R.S. 161, as amended, sec. 1, 62 Stat. 777, as amended, 784, as amended; 5 U.S.C. 22, 18 U.S.C. 1698–1699, 1724, 39 U.S.C. 501, 505, 6101, 6104, 6435.

§ 95.1 Transportation and protection of mail between post offices and ships.

(a) *Outgoing mail.* Steamship companies are to provide for the transportation and protection of all outgoing mail, including parcel post and sacks containing empty sacks, from the post office to the transporting vessel.

(b) *Incoming mail.* All incoming mail, including letter mail, parcel post and sacks containing empty sacks, is to be placed on the piers by the steamship companies. At that point delivery of the mail is made into the custody of agents of the postal service for trucking to the post office. The mail shall be placed on the piers and delivered to the agents of the postal service before the transporting vessel makes entry or breaks bulk, such action to be regarded as compliance with the law. Mail, including letter mail, parcel post and sacks containing empty sacks, waybilled for discharge at ports other than the first port of call of the vessel in the United States, shall be discharged at the first port of call if the vessel is scheduled to remain at said first port of call for more than 24 hours.

(c) *Vehicles and attendants.* Each vehicle used to transport mail between post offices and vessels, except the completely closed van type, shall be provided with a man to ride on the rear of the vehicle to protect the mail. The mail compartment of the completely closed van type vehicle must be locked or sealed. When open-top trucks are used the sacks shall be covered by a fire-proof and rainproof tarpaulin which must be fastened securely to the body of the truck.

(d) *Registered (red label) sacks.* The registered sacks shall be specially protected during transfer between post offices and the transporting vessels and on board the vessels. The red label sacks shall be separately delivered to the steamship company's representative at the post office in the case of outgoing mails. Incoming red label sacks shall be segregated from the other mails on the piers by the steamship companies.

§ 95.2 Certificate for ship letters and payment of shipmaster.

(a) Postmasters at offices where ship and steamboat letters are delivered shall obtain a certificate from the master of the ship showing:

(1) Number of letters.

(2) Name of ship or vessel.

(3) Place from which vessel last sailed.

(b) The postmaster shall pay to the master or owner of the ship or steamboat 2 cents for each letter delivered into his office which has not previously been mailed, except as provided in § 95.3. The postmaster shall obtain a receipt for such payment.

§ 95.3 When fees on ship letters not allowed.

Fees shall not be allowed for ship letters if they are:

(a) Addressed to a foreign country.

(b) Delivered by any of the following:

(1) A passenger or sailor, other than the master.

(2) The master of any vessel or any person on board any vessel which carries mail.

(3) Any carrier on any mail route.

(4) The master of a vessel who delivers to a postmaster letters which were carried over a post route.

Fees shall not be allowed for printed matter.

§ 95.4 Compensation for transportation of surface mail.

(a) Definite rates: Payment shall be made for the transportation of United States mail and foreign closed transit mail on steamships of United States and foreign registry at the rates specified in the schedule below. The word "mails" includes parcel post.

Distance conveyed (nautical miles)	(1) Rates for: United States Mails (except U.S. Mails transshipped from the Canal Zone), on steamships of United States registry (cents per pound, net weight)	(2) Rates for: 1. All mails on steamships of foreign registry; and 2. United States Mails transshipped from Canal Zone and foreign closed transit mails on steamships of United States registry (cents per pound, net weight)
Up to 300 miles	3.6	1.8
Over 300 up to 600 miles	3.6	2.5
Over 600 up to 1,000 miles	3.6	3.1
Over 1,000 up to 1,500 miles	4.1	3.6
Over 1,500 up to 2,000 miles	5.4	4.0
Over 2,000 up to 2,500 miles	5.4	4.4
Over 2,500 up to 3,000 miles	5.4	4.7
Over 3,000 up to 3,500 miles	5.8	5.0
Over 3,500 up to 4,000 miles	6.1	5.3
Over 4,000 up to 5,000 miles	6.4	5.6
Over 5,000 up to 6,000 miles	7.0	6.1
Over 6,000 up to 7,000 miles	7.5	6.5
Over 7,000 up to 8,000 miles	7.8	6.8
Over 8,000 miles	8.0	7.1

(b) Mails dispatched from more than one port in the United States: When mail is dispatched from more than one port in the United States this section shall not prevent a carrier from accept-

ing the lowest rate applicable from the United States to port of destination.

(c) The rates prescribed in paragraph (a) of this section, while measured by the net weight of the mails alone, are intended to include payment for the transportation, at the companies' expense and without additional payment by the Post Office Department, of the covering mail bags, the return of the empty mail bags, and the truck transportation from the post offices to the piers. Acceptance by steamship companies of mails for transportation constitutes an acceptance of this method of computing payment.

§ 95.5 Rates for rail service across Isthmus of Panama.

Payment for the transportation by railroad across the Isthmus of Panama, for United States and foreign closed transit mail shall be $0.0525 per pound for letters and post cards and $0.007 per pound for other articles, including parcel post.

§ 95.6 Fines on steamship companies transporting mail beyond borders of United States.

Steamship companies are responsible to the United States for the safety of the mail intrusted to them, and accountable for any loss or damage resulting to any mail by reason of failure on the part of any of their officers, agents, or employees to exercise due care in the custody, handling, or transportation thereof. In case of delinquencies, fines may be imposed or deductions made from the company's pay.

PART 96—AIR TRANSPORTATION

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Subpart A—Domestic Air Transportation

§ 96.1 Air carriers' responsibilities.

(a) *For giving mail priority.* Each commercial airline certificated by the Civil Aeronautics Board to engage in the transportation of mail by air (hereafter referred to as air carriers) must give the following priority to mail:

(1) From each point served, the normal mail load for each trip must be given priority of transportation over all other traffic on each trip designated for the transportation of mail. The normal mail load for each trip is determined for each day of the week on the basis of the mail dispatched to that trip on the same day of the week for the 5 previous weeks (excluding mail dispatched under unusual conditions).

(2) If additional fuel is necessary for a particular trip, the air carrier must allow for its weight when booking other traffic for that trip. No part of the mail load must be displaced by the additional fuel.

(3) Mail in excess of normal must be given priority over all other traffic except revenue passengers with space confirmed prior to knowledge that additional mail would be available. Mail aboard a plane must not be reduced below normal to accommodate local boarding passengers.

(4) Air carriers in the Alaskan Service must provide adequate weight space on all flights to accommodate the normal or expected volume of mail.

(5) In loading, unloading, transferring mail to connecting planes, and delivering mail to the designated postal representative, mail must be given preference over all other cargo (including baggage).

(b) *For protecting mail.* (1) Air carriers are held strictly responsible and accountable for mail in their custody. Mail must not be left exposed on trucks or otherwise subjected to depredation or weather. Every precaution must be taken to protect the mail from fire. Mail handlers must be identified by badges or by distinguishing caps or clothing or must be prepared to exhibit their airline identification cards on request of postal employees concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn the pouch in to the first possible postal unit for repouching and redispatch. Form 2734, "Airmail Exception Record," must accompany the damaged pouch to the postal unit.

(c) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(d) *For providing quarters*—(1) *At air stops.* Air Carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from planes. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the distribution and traffic manager in the area concerned.

(2) When an air carrier discovers a pouch damaged so that loss or depredation could result, the air carrier will turn the pouch in to the first possible postal unit for repouching and redispatch. Form 2734, "Airmail Exception Record" must accompany the damaged pouch to the postal unit.

(c) *For cooperating with postal inspectors.* Postal inspectors are special representatives of the Postmaster General. All employees of air carriers engaged in the transportation of mail are required to cooperate with and assist inspectors in the performance of their duties which may include the opening of pouches and sacks and the examination of mail therein.

(d) *For providing quarters*—(1) *At air stops.* Air carriers must furnish adequate and suitable quarters at air stops where necessary for the receipt, dispatch, distribution, and transfer of mail, unless and until otherwise provided by the Post Office Department.

(2) *Location of quarters.* Quarters must be located so as to provide expeditious handling of mail to and from planes. They must also be conveniently accessible to all mail-carrying vehicles.

(3) *Requests for changes in quarters.* Requests by air carriers or by officials of the Postal Service for changes in existing quarters or for the establishment of new quarters must be made through the distribution and traffic manager in the area concerned.

(e) *For preparing and submitting schedules*—(1) *Preparation.* Air carriers shall prepare schedules as follows:

(i) Schedules shall be arranged north to south and east to west, with flights listed in chronological order left to right.

(ii) All restrictions on the transportation of mail shall be shown on related schedules and when an air carrier holds certificates for more than one route with parallel service between certain points, any restrictions which apply against one route and not the other must be so identified.

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a

brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Washington 25, D.C., not less than 10 days prior to effective date. The date of filing will be the date of receipt by the Air Transportation Branch, Bureau of Transportation, Washington 25, D.C.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(*a*) Three copies to Air Transportation Branch, Bureau of Transportation, Post Office Department, Washington 25, D.C.

(*b*) One copy to distribution and traffic manager in each region concerned.

(*c*) States-Alaska and Intra-Alaska air carriers must send one copy to the Distribution and Traffic Manager, Post Office Department, Seattle 24, Washington.

(3) *Designation of service.* The Regional Director will advise the Director, Air Transportation Branch, Bureau of Transportation, of local service carrier flights that are not needed for the transportation of mail. The Director, Air Transportation Branch, will notify the air carriers of flights designated for transportation of the mail, by publishing Post Office Department schedules.

(f) *For answering correspondence.* Air carriers must answer promptly all correspondence from offiicals of the Postal Service. Correspondence concerning the operation of the Alaskan airmail service must be channeled through the Regional Director, Post Office Department, Seattle 24, Washington.

§ 96.2 Flight operations.

(a) *Notification of plane movement.* Air carriers must operate designated trips as nearly as practicable at times shown in filed schedules. In the event of irregular operation, as much advance notice as possible must be given to the airport mail facility or post office at the initial terminal. When a plane is operating 30 minutes or more late, dispatching offices en route should be notified as to the approximate arrival and departure.

(b) *Originating sections, resumed flights, and delayed operations.* Delayed scheduled trips may operate with available mail from the initial terminal or intermediate points. When a scheduled trip has been canceled at the initial terminal or at some intermediate point, a section may be originated at any intermediate point on the route.

(c) *Omissions of service.* If a scheduled stop will not be made by a trip, the air carrier must immediately notify the local postal representative. If service is to be suspended for 1 week or more, the air carrier must immediately notify the Air Transportation Branch, Bureau of Transportation, Washington 25, D.C.; the distribution and traffic manager, in the regions concerned; and the postal units concerned. The same offices must be notified when service is to be resumed.

(d) *Emergency trips and extra sections.* Emergency trips and extra sections operated by the air carrier may be used for the transportation of mail. It may be placed on the plane at an unscheduled stop when offered for dispatch by the local postal representative, except that mail will not be accepted if the air carrier is not authorized to serve that city. In Alaska, air carriers must obtain postal authority for the transportation of mail on emergency trips and extra sections.

(e) *Holding orders.* In unusual situations, the Air Transportation Branch, Bureau of Transportation, may require the holding of planes at junction points for the connection of mail. If any air carrier desires to take exception to a holding order, a complete statement giving the particulars will be submitted by the carrier promptly to the Assistant Postmaster General, Bureau of Transportation.

§ 96.3 Handling of mail.

(a) *Delivery to air carriers*—(1) *Authorized location.* Mail for outgoing trips shall be delivered to the air carrier at the time and place authorized by the distribution and traffic manager in the region.

(2) *Dispatch lists required.* (i) The postal unit delivering mail to air carriers for transportation shall prepare Form 2729, "Airmail Dispatch Record," showing weights of mail for each destination and listing mail for off-line points of transfer.

(ii) On receipt of mail from the local postal units, the air carrier must check entries and weights on the pouch labels against entries in the dispatch list.

(iii) Mail received from mail messengers or vehicle service at airports without a mail facility must correspond with mail listed on Form 2729; or air carrier must make corrections. If pouches are listed but not received, cross out the individual listing, destination subtotal, station total, and grand total. Insert correct adjacent totals. If mail is received but not listed, insert weight of each pouch in the proper destination column and amend totals as instructed. In either event, note facts prominently on Form 2729 in any blank space. Advise messenger of any discrepancy.

(iv) In the Intra-Alaskan Service, Form 2713–A, "Alaskan Airmail Dispatch Record," is used instead of Form 2729. At non-post-office points on Alaskan routes where it has not been possible to arrange for the preparation of Form 2713–A, the carrier shall prepare Form 2713–A and make claim for the service in the usual manner.

(v) Air carriers must obtain a receipt on Form 2753–A, "Mail Delivery Receipt," for mail delivered to airport mail facilities. Form 2753, "Receipt to Airline," must be obtained by the air carriers for all mail delivered to postal units other than airport mail facilities. In the latter case, receipt must be prepared by the air carrier for signature of either the mail messenger or motor vehicle service driver.

(b) *Direct transfer between planes*—(1) *Air carrier responsibility.* Air carriers must make transfers according to service ordered by the dispatching postal unit and as shown on pouch labels. To facilitate transfers, air carriers are responsible for concluding mutually agreeable local arrangements regarding the point of exchange between air carriers. These arrangements are subject to approval by the distribution and traffic manager to assure that they are adequate for postal needs. In addition, air carriers shall comply with the following:

(i) *Arriving (delivering) air carriers.*

(*a*) All transfers are based on normal operations and, under normal conditions, should be made as authorized.

(*b*) When the arriving air carrier is late, he shall ascertain whether the intended connection can be made. If the intended trip cannot be connected, the arriving air carrier should obtain new routing instructions from local postal personnel, prepare Form 2734, verify mail with related entries on Form 2734, and deliver the mail to an alternate air carrier, or to a postal representative, as instructed.

(ii) *Departing (receiving) air carriers.*

(*a*) A departing air carrier, due to receive transfer mail from an incoming air carrier, shall inform his ramp personnel of any delays in scheduled departure so that scheduled transfers may be maintained when the minimum transfer time is available regardless of arrival time of the incoming trip.

(*b*) The receiving air carrier must accept mail tendered by transfer, unless the mail is not properly coded on pouch label or is not routed for delivery or transfer at a point on its routes. When an irregularity occurs and Form 2734 is presented with the mail by the delivering air carrier, the receiving air carrier must check mail with related data on Form 2734.

(*c*) After acceptance of transferred mail, if the trip of the receiving air carrier to which the mail was routed (*1*) is delayed more than one hour, (*2*) is canceled, or (*3*) for any other reason cannot provide the ordered service, the receiving air carrier shall obtain new routing instructions from local personnel and for transferring the mail as required.

(2) *Failures to transfer.* Postal personnel shall prepare Forms 2759, "Report of Irregular Handling of Airmail (RS–TR–3)", to report failures to transfer mail to intended connections. All pertinent facts relating to actual arrival and departure times of trips involved must be shown. Where the prescribed connection time was available and responsibility for failure to connect the mail cannot be conclusively established, fines may be assessed against both air carriers for failure to cooperate in providing proper service.

(c) *Delivery to postal representative.* Upon arrival of the plane at the stop point, air carrier representatives must immediately unload the mail and deliver it to the authorized postal representative at such point as may be designated. Maximum unloading time may be specified by the distribution and traffic manager, in the region concerned. Mail for outgoing trips must be delivered to the air carrier at the time and place authorized by the distribution and traffic manager, in the region concerned.

(d) *Disposition of mail; canceled or irregular flights.* (1) When a trip is to be canceled at the initial terminal or any point en route, the air carrier must promptly notify the local post office concerned. (Dispatch forms covering mail not enplaned must be voided if no mail is dispatched.)

(2) Disposition of mail will be in accordance with instructions of the local postal unit. If unable to obtain instructions, the air carrier will reroute the mail on the basis of the best available information. The air carrier must observe current procedures in preparing necessary forms to accomplish any rerouting and to provide for the accounting adjustments required.

(3) When it became necessary to transport mail to the local post office or railroad station, available regular scheduled trips of the mail messenger or vehicle service may be used. Air carriers will not be required to transport to the post office local destination mail which is received from trips operating off schedule. However, carriers are responsible for transporting to the post office or railroad station, as directed, local origin mail being returned or through mail received from canceled trips, mail dispatched to the airport for a trip which overflies the local air stop, and mail dispatched to the airport for a trip which is to overfly a scheduled downline air stop.

(4) Mail from canceled trips arriving by train to connect a resumed trip must be transported to the airport by the air carrier whose service was canceled, unless otherwise instructed by the Postal Transportation Service.

(e) *Refusals and removals of mail.* Refusals and removals of mail by an air carrier (except as provided in § 96.1(a)) may result in diversion of the mail to another air carrier and in the imposition of fines.

(f) *Form 2734, air-mail exception record.* See § 96.22.

§ 96.4 Reports.

(a) *Refusal or removal report.* When an air carrier cannot accommodate all mail offered for a trip or when mail already on board is removed, the air carrier concerned must submit Form 2760, "Refusal or Removal Report," in duplicate, to the distribution and traffic manager in whose area the refusal or removal occurs. The report must give the reason for the refusal or removal. It must contain detailed information on the mail refused, removed, and transported, and information relative to the number of passengers and other cargo, aboard the plane on departure.

(b) *Irregularly-handled mail report.* Form 2734, "Airmail Exception Record," properly completed and endorsed by the air carrier, must be used to record any mail not handled by the air carriers concerned in accordance with the routing as originally planned. An irregular handling is termed as an off loading short of or beyond the scheduled destination, and the mail is forwarded via another air carrier or turned in to the post office for redispatch, removals en route, refusals after mail is accepted by the air carrier, and transfers to an air carrier other than as ordered in dispatch forms.

(c) *Accident report.* Air carriers must make an immediate telegraph or telephone report of any accident resulting in possible damage to or loss of mail. The report must be made to the distribution and traffic manager in the area concerned. Mail should not be disturbed, except to prevent further damage. It must be guarded until the arrival of a postal official.

§ 96.5 Submission of claims.

(a) *Domestic*—(1) *Forms used.* All air carriers operating within and between the 50 United States, Puerto Rico, and the Virgin Islands and between the United States and terminal points in Canada shall use the following forms to document air transportation bills: Form 2703, Carrier's Claim for Airmail Transportation; Form 2729, Airmail Dispatch Record; Form 2733, Interline Airmail Record; Form 2734, Airmail Exception Record; Form 2730, U.S. Airmail Billing Card—Domestic; Form 2732, Monthly Summary of Airmail Carried. Note: Air carriers must provide their own supply of Forms 2703, 2730, 2732, and 2734. Samples of these forms can be obtained from the Director, Air Transportation Branch, Bureau of Transportation.

(2) *Preparation of bills.* Separate Forms 2703 shall be prepared for each postal accounting period, or for such lesser period as may be agreed to by an air carrier and the Air Transportation Branch, and must include all airmail transported during that period. Trunkline, local service, helicopter, intra-Hawaiian, and States-Alaska air carriers must prepare and submit Form 2703 according to the procedures outlined in subchapter 360 of Handbook F–15. Intra-Alaska and Territorial air carriers must prepare and submit air transportation bills according to the instructions agreed to by the air carriers and the Air Transportation Branch.

(b) *Stub end airmail claims*—(1) *Forms used.* Air carriers shall submit claims on Form 2703 "Carriers Claim for Airmail Transportation" supported with copies of Forms 2942, Delivery List of Airmail Dispatches (RS–FI–206) AV–7 bearing the signature of postal representative at the receiving exchange office. Forms 2942 AV–7 must be arranged in the same order as they are listed on machine listings or Forms 2732 "Monthly Summary of Airmail Carried."

(2) *Claims prepared on punched cards.* (i) Prepare from Forms 2942 AV–7 a continuous machine listing for each pair of cities for all trips made in a calendar month or postal accounting period. Prepare in such a manner as to develop pound totals for each segment within each trip. Listings must show the following information for each item of service claimed:

(*a*) Date of service.
(*b*) Route number.
(*c*) Trip number.
(*d*) Origin.
(*e*) Destination.
(*f*) Composite rate.
(*g*) Pounds.

(ii) List items of service in ascending date order by trip and segment and show total pounds for each segment. From these totals, prepare a brief summary showing computation of total charge for each segment; enter totals on Form 2703.

(3) *Claims prepared manually.* Prepare from Forms 2942 AV–7 "Delivery List of Air Mail Dispatches" a separate Form 2732 in triplicate for each origin point within each flight as follows:

(i) Enter route, trip number, origin code, and period of service in appropriate boxes at top of forms.

(ii) Enter stop point at exchange office of destination in the "Dest" boxes. Use letter code in ascending alphabetical order.

(iii) Enter weights in pounds (converted to pounds from kilograms as shown on Form 2942 AV–7) in appropriate "Dest" column and on line with flight date. Add totals of weights shown on each Form 2942 AV–7 for a particular destination and date.

(iv) After all entries have been made to Form 2732, add, cross-add, and cross-foot the pound columns.

(v) Enter appropriate pound rate in the "Rate" or "Miles" box. (Form 2942 AV–7's prepared at exchange offices other than at the originating point on the foreign airmail route will show on the "Carrier, flight and routing" line, the point from which the mileage shall be computed. For example, airmail billed from New York to Mexico on American Airlines flight 87 (AM–4) would show the dispatching office as New York, the airport of delivery as Mexico City, and on the routing line "DAL AAL 159" or "DAL FAM 26–159.")

(vi) Multiply the total pounds by the related rate and enter result in "Total Pound Miles" or "Charge" box.

(vii) Total all columns to determine the grand total charge for each Form 2732.

(viii) Add the grand total charge on each Form 2732 and enter these totals to Form 2703.

(c) *States; Alaska and intra-Alaska and States-Hawaii and intra-Hawaii.* Air carriers operating over States-Alaska and intra-Alaska and States-Hawaii and intra-Hawaii routes (except NWA) must prepare and submit Form 2703 in accordance with CAB rate orders and specific instructions issued by the Department.

(d) *Designated regional controllers.* (1) Domestic air carriers, other than as provided in subparagraphs (2) and (3) of this paragraph, will be paid for the carriage of domestic airmail by the regional controller, Post Office Department, in the region dispatching the airmail.

The region number, mailing address, and the states included in each region are shown below:

Region No.	Region	States
6	Regional Controller, Post Office Department, Air Claims Unit, Federal Annex Building, Atlanta 3, Ga.	Fla., Ga., N.C., S.C., Puerto Rico.
1	Regional Controller, Post Office Department, Air Claims Unit, P.O. and Courthouse, Boston 9, Mass.	Conn., Maine, Mass., N.H., R.I., Vt.
7	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Chicago 100, Ill.	Ill., Mich.
4	Regional Controller, Post Office Department, P.O. Box 1999, Cincinnati, Ohio.	Ind., Ky., Ohio.
11	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Dallas 21, Tex.	La., Tex.
14	Regional Controller, Post Office Department, Air Claims Unit, Federal Center, Building 56 Denver 21, Colo.	Ariz., Colo., N.M., Utah, Wyo.
13	Regional Controller, Post Office Department, Air Claims Unit, 161 Jefferson Avenue, Memphis 31, Tenn.	Ala., Miss., Tenn.
9	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Minneapolis 40, Minn.	Minn., N.D., Ark., S.D., Wis.
2	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, New York 1, N.Y.	N.Y.
3	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Philadelphia 1, Pa.	Del., N.J., Pa.
15	Regional Controller, Post Office Department, Air Claims Unit, Main Post Office Building, Portland 8, Oreg.	Mont., Idaho, Oreg., Wash.
5	Regional Controller, Post Office Department, Air Claims Unit, Parcel Post Annex, Richmond 19, Va.	D.C., Md., Va., W. Va.
12	Regional Controller, Post Office Department, Air Claims Unit, San Francisco 19, Calif.	Cal., Nev.
8	Regional Controller, Post Office Department, Air Claims Unit, 5709 Waterman Boulevard, St. Louis 12, Mo.	Ark., Iowa, Mo.
10	Regional Controller, Post Office Department, Air Claims Unit, 1628 George Washington Boulevard, Wichita 25, Kans.	Kans., Nebr., Okla.

(2) Helicopter carrier bills will be settled by the following regional controllers, Post Office Department:

Paying regional controller	*Carrier*
Chicago	Chicago Helicopter Airways.
San Francisco	Los Angeles Airways.
New York	New York Airways.

(3) Alaska, Hawaii, Puerto Rico, Virgin Islands, and stub-end air carriers and those carrying "First Class and Preferential Mail by Air" will submit Form 2703 and necessary supporting documents for this service to the regional controllers, Post Office Department, designated below:

Paying regional controller	Route No.	Carrier
Atlanta	8	Delta.
	31	National.
	FAM 32	National.
	59	Caribbean-Atlantic.
	98	Southern.
	121	AAXICO.
Boston	27	Northeast.
Chicago	96	Chicago Helicopter Airways.
Cincinnati	88	Lake Central.
Dallas	9	Braniff.
	81	Central.
	82	Trans-Texas.
	101	Slick.
Denver	1	United.
	29	Continental.
	73	Frontier.
Minneapolis	3	Northwest.
	86	North Central.
New York	111	New York Airways.
Philadelphia	94	Mohawk.
Portland	77	West Coast.
	128	Alaska (Intra Alaska).
	138	Alaska (States Alaska).
	122	Alaska Coastal (Intra Alaska).
	124	Cordova (Intra Alaska).
	125	Ellis (Intra Alaska).
	141	Kodiak.
	126	Northern Consolidated (Intra Alaska).
	142	Pacific Northern (Intra Alaska).
	139	Pacific Northern (States Alaska).
	20	Pan American (States Alaska and first-class mail by air).
	127	Reeve Aleutian (Intra Alaska).
	143	Western Alaska (Intra Alaska).
	123	Wien (Intra Alaska).
St. Louis	2	Trans World.
	107	Ozark.
San Francisco	13	Western.
	FAM 36	Western.
	33	Hawaiian.
	76	Pacific.
	84	Los Angeles.
	99	Aloha.
	100	Flying Tiger.
	105	Bonanza.
Washington (Regional Controller, Richmond, Va.).	5	Eastern.
	FAM 33	Eastern.
	FAM 35	Eastern.
	14	Capital.
	87	Piedmont.
	97	Allegheny.
	120	Riddle.
Wichita	4	American.
	FAM 26	American.

NOTE: Each air carrier must file with the appropriate regional controller the name of the person or persons authorized to sign the Form 2703.

§ 96.6 Irregularities, deductions, fines, and accidents.

(a) *Irregularities.* Irregular handling of mail by airline carrier personnel shall be reported on Form 2759, "Report of Irregular Handling of Airmail," by the postal employee who observes the irregularity or who is informed of irregular performance through receipt at a postal unit of the post office accounting copies of Form 2734, "Airmail Exception Record," prepared by the air carrier. See § 96.25. Listed below are the types of irregularities that will be reported.

(1) Damage to mail or equipment while in the custody of an air carrier.

(2) Failure to load.

(3) Failure to unload.

(4) Carried by. Any overcarries on interchange trips involving mail for the interchange point or connection mail due off at the interchange point will be charged to air carrier from whom received. If another air carrier was actually responsible for the mishandling, the air carrier receiving Form 2759 report may forward the form to the other carrier and notify the distribution and traffic manager concerned of the referral.

(5) Loaded in error.

(6) Removed in error.

(7) Failure to transfer.

(8) Delayed delivery to postal unit.

(9) Refusals and removals. See § 96.21(a) for regulations regarding airmail priority.

(10) Failure to notify postal authorities. See § 96.2. Includes instances when a carrier has failed significantly to cooperate by not giving notice of nonoperation of scheduled service or of late operation, resulting in additional motor vehicle or mail messenger costs.

(11) Repetitive infractions. Report serious infractions involving irregularities of a repetitive nature which may necessitate assessment of more substantial fines than usual. Includes deficiencies in air carrier operations that have an adverse effect on the airmail service and that have not been corrected despite repeated efforts to secure the necessary remedial action.

(b) *Deductions.* Form 2734 provides for the adjustment of compensation for service ordered and paid for but not performed.

(c) *Fines.* Air carriers transporting mail must observe all applicable postal laws and all applicable regulations issued by the Post Office Department. Air carriers may be subject to fines and deductions for failure to comply therewith.

(d) *Accidents.* When an aircraft accident occurs, there is no legal obligation on the part of the postal service to pay the air carriers' transportation charges for mail that is destroyed. Air transportation charges shall only be paid for recovered mail from the city where emplaned on that carrier's system to the airport nearest the point of accident. Therefore, since the regional controller in the region originating the mail will pay the air transportation charges. Form 2734, Airmail Exception Record, must be prepared to recover the payment for that portion of the incompleted service.

§ 96.7 Correspondence concerning air service.

(a) *Local matters.* Correspondence on local operations matters of mutual concern shall be handled directly between the local carrier and local air stop postal unit heads or field service representatives concerned. Matters coming within the scope of paragraph (b) of this section shall be referred to the distribution and traffic manager concerned.

(b) *Regional matters.* Correspondence to and from air carriers relating to policy matters, airline schedules, operational matters, fining procedures, quarters, mileages and transport rates, irregularities and changes in dispatch billing procedures and forms, omissions and failures of carriers to perform re-

quired service, division of mail between carriers, service requirements, actions involving CAB orders and rulings, experimental airlift of preferential mail, and other matters of regional nature shall be conducted by the distribution and traffic managers within the scope of regional delegations. Only those matters of these types that are of interregional impact or of departmental concern as specified elsewhere in regulations and those matters which the distribution and traffic manager considers will require departmental decision shall be forwarded to the Department.

§ 96.8 Definitions.

(a) Applicability: This subpart applies to air carriers engaged in transporting air mail and air parcel post in Interstate Air Transportation.

(b) As used in Subparts A, B and C of this part:

(1) "Air Carrier" means a citizen or company of the United States authorized by the Civil Aeronautics Board to engage in interstate air transportation.

(2) "Interstate Air Transportation" means the carriage of mail by aircraft between a place in any State of the United States, or the District of Columbia, and a place in any other State of the United States, or the District of Columbia; or between places in the same State of the United States or between places in the same territory or possession of the United States, or the District of Columbia.

(3) "Mail" means United States or foreign transit mail.

Subpart B—Air Star Route Service

§ 96.12 Description.

Air star route service is established and operated under contracts for air transportation of any and all classes of mail in areas where such service is in the public interest between points where the Civil Aeronautics Board has not authorized the transportation of mail. The service may be justified by the nature of the terrain or the impracticability or inadequacy of surface transportation. Air star route contracts are awarded by the Postmaster General when the cost is considered reasonable and compatible with the service to be provided.

§ 96.13 Contracts.

(a) *Obtaining bids*—(1) *Advertisements.* After obtaining a certification from the Civil Aeronautics Board that the proposed route does not conflict with the development of air transportation, an advertisement is issued by the Department inviting proposals for air transportation of mail between the points and on the terms stated. Copies of the advertisement are furnished to postmasters for posting at terminal offices.

(2) *Requirements of bidders.* Bidders must meet the following requirements:

(i) *Eligibility.* (*a*) No proposal for a contract for air star route service shall be considered unless the bidder is a resident of, or is qualified to do business as a common carrier by air, in a State within which one or more points to be served under the proposed contract are located. The term State as used here includes the several States, and the District of Columbia.

(*b*) For further eligibility requirements, see § 94.3(c)(2)(i) of this chapter.

(ii) *Bonds.* See § 94.3(c)(2)(iii) of this chapter.

(3) *Obtaining proposal forms.* See § 94.3(c)(5) of this chapter.

(4) *Submitting bids.* See § 94.3(c)(6) of this chapter.

(b) *Award of contract.* See § 94.3(d) of this chapter.

(c) *Application of contract regulations.* Where there is no conflict, all laws and regulations governing surface star routes in general apply to contracts made under the air star route law.

(d) *Payments.* See § 94.3(h) of this chapter.

(e) *Cancellation of air star route contract.* A contract shall be canceled by the Post Office Department upon the issuance by the Civil Aeronautics Board of an authorization to any air carrier to engage in the transportation of mail by aircraft between any of the points named in the air star route contract.

§ 96.14 Protection of mail.

The contractor is required to take all necessary steps to protect the mail in accordance with the terms of the advertisement.

§ 96.15 Reports and records.

Postmasters at terminal points must maintain such records and submit such reports as may be directed by the distribution and traffic manager.

Subpart C—Forms and Procedures for Dispatching Airmail

§ 96.19 Form 2729, airmail dispatch record.

(a) *Description.* Form 2729 covers airmail dispatched to all domestic air carriers operating within the fifty United States, Puerto Rico, and the Virgin Islands and to Canada. It is the basic document from which payment to the original carrier of dispatch is calculated.

(b) *Preparation*—(1) *Who prepares.* The form is prepared in four-part sets by the designated clerk at the airport mail facility or, at nonairport mail facility points, by the dispatching clerk at the post office.

(2) *Trip identification*—(i) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(ii) *Trip number.* Enter the trip number of actual dispatch.

(iii) *Origin trip date.* Enter the scheduled date of origin of the trip.

(iv) *Today's date.* Enter the date on which the trip of dispatch is scheduled to depart from your airport.

(v) *Origin code.* Enter the official airline code of the airport from which the mail is due to be dispatched. If more than one postal unit prepares Form 2729 for dispatch through the same airport, use the airport code followed by the first letter of the dispatching post office: For example show Alcoa, Tennessee, as TYS–A.

(3) *Routing*—(i) *Destination.* (*a*) Using the States dispatch scheme and other applicable pouching instructions, enter in code the final airline destination of the dispatches.

(*b*) Show each destination in station order of removal from the original trip of dispatch. Listing from left to right, use a separate block for each destination. Continue the listing in the second row of blocks, if necessary.

(*c*) Enter under the proper destination mail which is labeled to that point, mail which is scheduled to continue from that point by surface transportation, and mail for another air carrier when the transfer is to be effected through the airport mail facility. Use the individual actual weights indicated on the labels of pouches, sacks, and outside parcels except where permission has been granted to bulk weigh mail on platform scales direct to the air carrier. Enter the total pouches and total weight of each weighing when bulk weighing is permitted and when making bulk entries other than bulk weighing. Do not identify pouches, sacks, outside parcels, or register as such on this form.

(ii) *Transfer point and connection.* Enter in code according to the scheduled routing:

(*a*) Stations served by trip of dispatch. Enter only the destination.

(*b*) Stations served by the air carrier dispatch but not by the trip of dispatch. Enter the destination and the first transfer point.

(*c*) Routing involving connection to a trip of another air carrier. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. This applies also to interchange trips.

(*d*) Routing via two trips of initial air carrier, plus trip of another air carrier. Enter the destination, the first intraline transfer point, and the interline transfer point, plus the route and trip numbers of the second air carrier.

(*e*) Routing involving two interline transfers after air carrier of initial dispatch. Enter the destination and the interline transfer point, plus the route and trip numbers of the second air carrier. The service to be performed by the third air carrier must be shown on Form 2733, "Interline Air Mail Record." (See § 96.21 of this chapter for instructions on preparation of Form 2733.)

(4) *Equalization dispatches.* (i) Trips due to carry equalized destination mail are identified in the airmail States dispatch scheme by an *x*, in parentheses, ahead of the trip listing. Following the trip of dispatch, the equalized destinations are identified by an *x*, in parentheses, preceding the letter code of the destination. An *x*, in parentheses, will also appear between the letter code of the transfer point and the route number of the interline carrier. This indicates the need for an equalized Form 2733 for the carrier receiving the mail at the transfer point. The following is an example of an equalized dispatch from MKC to CLE via AM 9–40 as it would appear in the MKC States Dispatch Scheme:

(x) (1)	9-40	(x) (2)	CLE	mdw	(x) (3)	14-800

(1) Indicates equalized trip.
(2) Identifies equalized destination.
(3) Indicates need for special Form 2733 for 14—800.

(ii) Forms 2729 must be identified as follows: When schemes show an *x* in parentheses at (1) and (2), as in the example in subdivision (i) of this subparagraph, an *x* will be inserted in the *E* block on the "conn" line for the equalized destination; i.e., CLE.

(5) *Completion.* (i) Total the pieces and weights for each column, even if more than one column is used to list the mail dispatched to the same destination.

(ii) Total the subtotals of all columns, and enter in the "Grand Total" space.

(iii) Recap all columns under the actual destinations served by the trip of dispatch. Enter each airport served, with the appropriate total, in the right-hand column.

(iv) Total the *Recap* column, and verify against the previously entered *Grand Total.* If more than one form has been used, the *Recap* and *Grand Total* entries must appear on the final form. (See subparagraph (6) of this paragraph.)

(v) At nonairport mail facility points, the post office employees preparing Form 2729 will not total the "Dest," "Recap," and "Grand Total" columns if the mail messenger or motor vehicle service driver picks up additional mail at the railroad station or other postal unit en route to the airport. On arrival at the airport, the mail must be weighed and proper entry must be made on Form 2729 by the messenger or driver. This instruction applies also to Form 2733, if involved.

(vi) Below the "Grand Total" space, enter the total number of sets of Forms 2733 prepared for the interline transfers scheduled to be made from the trip.

(vii) In the "Mail Ready" space, enter the time at which the mail and forms are ready for delivery to the air carrier at the airport. At nonairport mail facility points, this time must be entered by the mail messenger or vehicle service driver. The messenger or driver must obtain the signature of the receiving air carrier representative at the time the mail is delivered.

(6) *Continuation forms.* If the volume of mail is too large to be listed on one Form 2729, use a new numbered form, line through but do not obliterate the printed number, and write in the serial number of the first form. Number the sets consecutively, identifying the last by adding *x* after the number.

(c) *Labeling pouches, sacks, and outsides.* Pouches, sacks, and outside parcels listed on Form 2729 must be identified so that airline and postal personnel handling the mail enroute can provide the transportation ordered by the dispatching office. Before delivering the mail to the air carrier prepare the labels of pouches and sacks to indicate final airline destination and the route over which it is to travel. Attach Label 53, "Airmail Parcel Routing Sticker," for each air parcel dispatched outside. The information on pouch and sack labels and Label 53 for outside parcels must coincide with the corresponding entries on Form 2729 as follows:

(1) For mail billed to the final destination over the routes of two or more air carriers, enter on pouch or sack label in airline code the inter-line transfer points and the route and trip number of the connecting air carrier at these points. Show this information in the left center of the label between the destination and from lines. Enter the same information in the "Transfer point" block on Label 53 for outside parcels.

Example. Mail from Toledo to AMF Houston Tex via AM88 for transfer to AM 14 at Detroit and AM 5 at Atlanta will be labeled as follows:

Pouch or sack label

AMF HOUSTON TEX	
YIP 14-883 ATL 5-345	30
Fr Toledo, Ohio	

Outside parcel (label 53)

Tr. Pt.	Billed to—	Wt.
YIP 14-883 ATL 5-345.	(HOU)----------	15

(The figure on the right of the label represents the weight of the pouch (or sack).)

(2) For mail billed to the final destination over the routes of a single air carrier, no transfer point codes or route numbers will be used on the pouch and sack labels or on Label 53 for outside parcels.

Example. Mail from Zanesville, O., to AMF Cincinnati, O., via 88-816:

Pouch or sack label

AMF CINCINNATI, O.	
Fr Zanesville O.	30

Outside parcel (label 53)

Tr. Pt.	Billed to—	Wt.
	(CVG)----------	15

(3) For mail billed to an air stop point other than the actual destination on the pouch and sack labels or on Label 53 for outside parcels, enter in code the point to which billed on Form 2729, in brackets, on the same line after the address on the pouch and sack label. Enter in the "Billed to" block on Label 53 the code for the point to which billed on Form 2729. Use the same procedure as that for pouch and sack labels for entry of transfer point and route number, if required.

Example. Mail from Cincinnati, O. to Jamestown, N.D. via AM 8-422, billed to AMF Minneapolis.

Pouch or sack label

JAMESTOWN, N.D. (MSP)	
MDW 3-411	10
Fr Cincinnati, O.	

Outside parcel (label 53)

Tr. Pt.	Billed to—	Wt.
MDW 3-411-------	(MSP)----------	5

(4) Weigh each pouch, sack, and outside parcel. Record the weight on the pouch and sack label (see example in subparagraph (1) of this paragraph), on the Label 53 for outside parcels, and on the Form 2729 in even pounds. When weighing, ignore fractions of a pound of 8 ounces or less. Add one pound for fractions over 8 ounces.

Example:

Actual weight	*Weight shown on label*
From 1 oz. to and including 1 lb. 8 oz..	1 lb.
Over 1 lb. 8 oz. to and including 2 lb. 8 oz----------	2 lb.

(d) *Distribution of copies*—(1) *First and second copies.* Deliver to the air carrier with the mail. (If voided or mutilated, do not deliver to air carrier but combine with third copy and send to regional controller.)

(2) *Third copy.* Send to the designated regional controller daily. Include the third copies of all forms that have been voided, mutilated, etc. Since all of these forms are serially numbered, they must be accounted for. *Note*—At nonairport mail facility points, the first three copies of Form 2729 must accompany the mail: After obtaining the carrier's signature, the mail messenger or vehicle service driver must return the third copy to the post office.

(3) *Fourth copy.* This is the dispatching office copy. Enter the actual departure time (as provided by the air carrier) in the proper space, and file.

NOTE: In the Alaskan Service, Form 2713-A "Alaskan Airmail Dispatch Record" is used in lieu of the dispatch list.

§ 96.20 Form 2713-A, Alaskan airmail dispatch record.

(a) *Description.* Form 2713-A is used at all postal units served by intra-Alaska air carriers for recording the dispatch of mail. (See § 96.5(d)(3).)

(b) *Preparation.* Postal clerks at air stop post offices shall prepare Form 2713-A in three-part sets, as follows:

(1) *Route number.* Enter the route number of the air carrier to which the mail is to be dispatched.

(2) *Trip number.* Enter the number of the carrier's trip or flight as shown in the schedule designated for airmail transportation.

(3) *Carrier.* Use the letter code of the airline.

(4) *From post office at.* Use the alphabetical code of the airport serving your office. (For proper three-letter code, see Airmail Scheme.)

(5) *Month, day, year.* Enter the date mail is given to air carrier.

(6) *Time.* Enter time when mail was delivered to carrier representative.

(7) *Mail for unloading at.* Enter the codes of air stops which are served by the trip to which mail is dispatched. Enter only those points designated for service.

(8) *Pieces.* Enter the total number of pouches, sacks, and outside parcels for each destination.

(9) *Weight.* Enter the total weight of pouches, sacks, and outside parcels for each destination.

(10) *Totals.* Add number of pieces and enter total under Pieces column; add weights and enter total in the Weight column. Verify total pieces with mail count.

(11) *Postmaster.* The postmaster shall sign form in space provided, or when postmaster is not available, the postal clerk shall sign the postmaster's name, and initial.

(c) *Delivering mail and Form 2713–A to air carrier.* The dispatching clerk shall deliver mail and all three copies of Form 2713–A, with carbon paper in place, to the messenger for delivery to the airport.

(d) *Verification and correction by air carrier representative.* (1) When the air carrier representative receives the mail from the messenger, the carrier will count pieces of mail received, compare with total shown on the Form 2713–A and, if in agreement, sign the form in the space provided and add his airline's code, retain copies 1 and 2, and return copy 3 to the messenger.

(2) When not in agreement, the carrier will process as follows:

(i) If pouches are listed but not received, cross out the individual listing and grand total. Insert correct adjacent totals.

(ii) If mail is received but not listed, insert weight of each pounch on the proper destination line and amend totals.

(iii) In either event, note facts prominently on Form 2713–A in any blank space. Advise messenger of any discrepancy.

(iv) Make all corrections to Form 2713–A before the carbon paper has been removed.

(v) After corrections have been made, sign and dispose of Form as indicated in subparagraph (1) of this paragraph.

(e) *Postal unit file copies.* When the messenger returns copy 3 to the postal unit, that office shall file the copy by date order for future reference.

(f) *Canceled flights.* When a flight is canceled after mail and related Form 2713–A have been delivered to the air carrier, the mail and all three copies of Form 2713–A will be returned to the post office. The post office shall then destroy copies 1 and 2 of Form 2713–A, note copy 3 to show flight canceled, and file.

§ 96.21 Form 2733, interline airmail record.

(a) *Description.* Form 2733 covers mail due to be transferred from the original air carrier of dispatch to another air carrier. It is the basic document from which payment to the transferee air carrier is calculated. The form must not be used for intraline transfers. Entries on Form 2733 are taken from the Form 2729 which covers the original shipment. When the routing involves two air carriers after the original dispatch, a separate Form 2733 is required for each subsequent air carrier.

(b) *Preparation.* Show the following information under the appropriate headings:

(1) *Serial number.* Copy from Form 2729.

(2) *Origin code.* Follow the instructions in § 96.19(b)(2)(v).

(3) *Route number.* Enter the route number of the air carrier to which the mail is dispatched.

(4) *Trip number.* Enter the trip number of actual dispatch.

(5) *Origin trip date.* Enter the scheduled date of origin of the trip.

(6) *Transfer point.* Enter the code of the airport at which the interline connection is to be made.

(7) *Routing.* Enter the route and flight number of the air carrier to which the mail is to be transferred.

(8) *Destination.* As applied to this form, destination is defined as the offloading point (either for delivery to the post office or for transfer to another air carrier). Enter the codes of the airports served by the trip, also the codes of airports served by connecting trips of the same air carrier for which mail is available.

(9) *Pieces and weight.* Enter the mail by totals (obtained from Form 2729) for each of the destinations involved. Include any mail for connection to a trip of another air carrier.

(10) *Grand total.* Enter the total of pieces and weights listed. For instructions regarding exceptions to this step, see § 96.19(b)(5)(v).

(c) *Equalization dispatches*—(1) *From equalized origin points.* When an *x*, in brackets, appears immediately preceding the interline transfer route and trip designation on the States dispatch scheme, a Form 2733 will be prepared listing only equalized destination mail for transfer to the same air carrier at the indicated point. On these forms, an *x* will be inserted in the E block between the "Transfer Point" and the "Routing."

(2) *From nonequalized origin points.* Mail from these points does not become equalized until it enters the system of another air carrier who is a party to an equalized agreement at an equalized origin point on his route. Separate Forms 2733 will be prepared to provide transportation over the routes of the equalizing air carriers as follows:

(i) *For first equalizing air carrier.* (*a*) Insert *x* in "E" block after "Transfer Point." (See paragraph (b) of this section.)

(*b*) Insert equalized destination in brackets after the destination on this air carrier. (List only equalized mail on this form.)

(ii) *For second equalized carrier.* (*a*) On the first "Transfer Point" line, insert code of equalized origin.

(*b*) On second line, show usual information, and in addition insert an *x* in the "E" block. (List only equalized mail on this form.)

(d) *Interchange trips.* (1) Mail moving over more than one airmail route on one aircraft must be properly identified on Form 2733. No terminal charge is due at the interchange point, as mail remains on board the aircraft. To enable post office accounting personnel to properly identify this mail, dispatching postal clerks must insert an I in the "E" block of Form 2733 for the air carrier who is not due to receive a terminal charge.

(2) Scheme clerks, who prepare the States dispatch schemes in the office of the distribution and traffic manager, will insert an "I" in brackets following the interchange point as listed on the scheme. States dispatch scheme would appear as follows for dispatch of MIA mail from PDX:

Transportation covered by—	1–678	MIA	lax 4–966	dal(I) 8–966	may(I) 31–966
	Form 2729		Regular Form 2733	Identified Form 2733	Identified Form 2733

(e) *Distribution of copies*—(1) *First and second copy.* Deliver to air carrier along with first and second copy of related Form 2729 and the mail.

(2) *Third copy.* Retain, staple to the upper left corner and on top of the related third copy of Form 2729, and send to the designated regional controller's office daily.

§ 96.22 Form 2734, airmail exception record.

(a) *Description.* Form 2734 provides a source of information as to the actual movement of airmail that does not move via the original schemed routing. It also provides a means of making accounting adjustments since it serves (1) as the basis for deduction of payment for scheduled services not performed and (2) as the basis for payment for new services ordered. See paragraph (d) of this section for specific types of irregularities.

(b) *Preparation*—(1) *Who prepares.* The delivering air carrier must prepare five copies of Form 2734 to cover the irregularities outlined in paragraph (d) of this section. The form will be prepared in a few instances at airport mail facilities, or post offices, when the air carrier fails in his responsibility.

(2) *Completion of form.* Form 2734 must clearly describe transportation originally designated by the dispatching postal unit but which was not performed. The Form 2734 is always prepared at the city where the first deviation in the routing of the mail is known. These forms are printed and furnished by each carrier involved. General instructions for completion of the form are printed on the reverse side of the fifth copy of the form. In addition, the following instructions must be followed:

(i) *Route numbers, City code, and Form serial number.* The first line directly under the printed name of the airline indicates three things:

(*a*) Numerical airmail route number assigned to the air carrier by the U.S. Government. This number will be preprinted on the form.

(b) The three-letter alphabetical city code of the city at which the irregularity occurs and where the form is prepared. This city code designator must be inserted by the airline preparing the form.

(c) The serial number of the form. This number will be preprinted on the form and is provided to permit checking of differences between Postal Service and air carrier records. The maximum number of digits is five.

(ii) *Route-Trip-Date.* (a) On the second line are blocks for the airmail route number and trip number of the air carrier from whose flight the mail covered by the form was received. If mail was not boarded, this is the route and trip to which the mail was billed for dispatch. The date on which the flight, from which mail was received, was scheduled to originate will be indicated in the "Scheduled Origin Date Block."

(b) The equalization box will not be used unless it appears on the related Form 2729, "Airmail Dispatch Record," or 2733, "Airmail Exception Record," in which case an *x* will be inserted. Any voided Forms 2733 must be attached to the related Forms 2734.

(iii) *Routing shown on pouch label.* (a) *Transfer point route number.* There may be two or more transfer point route numbers shown on a pouch label or an outside piece(s) label. Form 2734 is provided for the purpose of showing only that portion of the original scheduled routing which was not completed. If a transfer point shown on the pouch label is overflown, the overflown transfer point and the remaining transfer points, if any, must be shown.

(b) *Destination.* Enter alphabetical code of actual destination. If the destination is followed by a bracketed "billed" destination, then this should be entered instead. Pouch labels with the same destination and incompleted routing may be grouped in one entry.

(iv) *Amount of mail.* The amount of mail, pieces, and weight for a common destination may be combined when they have the same incompleted routing as shown on the labels.

(v) *New routing.* The air carrier destination is the city (alphabetical code) to which the air carrier shown in this section is to carry the mail. Likewise, the Route and Trip Number to be inserted in this section are the airmail numerical route number of the air carrier which is to transport the mail and that air carrier's trip number.

(vi) *Reason for preparation.* Specific boxes have been provided for nine of the most common reasons for preparing Form 2734. Whenever the form is prepared because of one of these nine basic reasons, the box opposite the reason for preparation must be checked. Explain other reasons not listed.

(vii) *Signature.* The signature of the representative of the air carrier or of the Post Office Department who receives the mail, followed by the air carrier or Post Office Department station code; and the time (24-hour clock time) the mail is received by the air carrier or the Postal Service must be entered on the form.

(c) *Distribution of Form 2734.* Normal distribution of the five copies is printed on each copy of the form. The only deviations from this normal distribution are:

(1) When the receiving and delivering air carrier are the same. Staple the receiving and delivering air carriers' billing copies together.

(2) When mail is delivered to the Postal Service by Form 2734. Retain the second copy, and turn in all other copies to the postal unit.

(d) *Irregularities requiring preparation of Form 2734.* (1) The following irregularities must be reported on Form 2734 when mail involved is delivered to Postal Service at other than destination, or delivered to an air carrier not specified in the original billing.

(i) Part of mail not boarded.

(ii) Carry by and/or overfly.

(iii) Removed short of air carrier destination in error.

(iv) Missed a scheduled interline connection.

(v) Missed a scheduled intraline connection.

(vi) Mail boarded in error.

(2) Additional irregularities requiring Form 2734 preparation are:

(i) Cancellation of flight:

(a) Where only part of mail is delivered to Postal Service.

(b) Where part of mail is given to another air carrier for transportation to destination.

(ii) Overfly of transfer point to next air carrier destination.

(iii) Missing papers.

(iv) Truck haul by air carrier: only when mail is trucked to a point more distant from the ultimate destination than the point from which trucked.

(v) Mail received on Form 2942, Delivery List of Air Mail Dispatches, and requiring domestic billing.

(e) *Irregularities that do not require preparation of Form 2734.* (1) Part of mail not boarded—forwarded to destination by the air carrier which received and failed to board the mail.

(2) None of mail received from Postal Service boarded—returned to postal unit with all copies of the Forms 2729 and 2733. The postal unit will destroy Form 2733 and void all copies of Form 2729.

(3) Carry by and/or overfly—returned to destination by the air carrier which carried the mail by or overflew the destination.

(4) Removed short of air carrier destination—forwarded to destination by the air carrier which removed the mail short.

(5) Missed a scheduled interline connection—rerouted to the same destination via a different trip number of the same connecting air carrier as shown on the pouch label or the Form 2733.

(6) Missed a scheduled intraline connection—rerouted to the same destination via a different trip but on the same air carrier.

(7) Boarded in error—returned or forwarded to destination by the air carrier which boarded the mail in error.

(8) Cancellation of flight—all local boarding mail returned to the Postal Service with the Forms 2729 and 2733.

(9) Mail does not agree with Form 2729. At nonairport mail facility stations, the air carrier must make correction to all copies of Form 2729 as specified in § 96.3(a)(2).

(f) *Review of Forms 2734.* The postal units shall carefully review all Forms 2734 and, in questionable cases, shall make prompt inquiry to determine that instructions are being followed by air carriers.

§ 96.23 Form 2753, receipt to airline.

(a) *Description.* Form 2753 is a receipt to air carriers for mail delivered to postal units other than airport mail facilities. It is not used for mail that is delivered with Form 2734. (See § 96.22.)

(b) *Preparation.* (1) The form will be prepared in triplicate by the air carrier agent with all pertinent information. indicated.

(2) Postal personnel of the receiving unit will count the pieces of mail delivered by each trip, check the count against the airline employee's count, and enter the post office total count on the form for the air carrier involved. Labels are to be examined to determine that mail delivered by the air carrier is addressed or coded for delivery to the receiving unit. To the extent possible, and without delaying the mail, receiving clerks shall determine whether all the mail is due to be received via the route and trip of delivery.

(3) If a discrepancy exists in the post office and airline count, immediate action shall be taken with the airline operations office to ascertain the reason for the discrepancy and whether additional mail may be found at the airline ramp or elsewhere.

(4) The first copy of the form shall be delivered to the mail messenger or vehicle service driver with the mail. The messenger or driver must sign and return it to the air carrier as a receipt.

(5) The second and third copies of the form are to be delivered to the post office with the mail. The post office clerk must sign both copies, returning the third copy to the messenger or driver as his receipt.

§ 96.24 Form 2753–a, mail delivery receipt.

(a) *Description.* Form 2753–a is a receipt for mail delivered to airport mail facilities. When the volume of mail justifies, distribution and traffic managers may authorize postmasters at air stop post offices to use Form 2753–a, instead of Form 2753. Form 2753–a is not used for mail that is delivered with Form 2734. (See § 96.22.)

(b) *Preparation.* (1) Airport mail facility personnel will prepare a 24-hour Form 2753–a in duplicate to record all mail deliveries from the air carrier. Where an exceptionally large number of trips are involved for any one air carrier, separate forms may be prepared for each tour of duty.

(2) Postal personnel of the receiving unit will count the pieces of mail delivered by each trip, check the count against the airline employee's count, and enter the post office total count on the form for the air carrier involved. Labels are to be examined to determine that mail delivered by the air carrier is addressed or coded for delivery to the

receiving unit. To the extent possible, and without delaying the mail, receiving clerks shall determine whether all the mail is due to be received via the route and trip of delivery.

(3) If a discrepancy exists in post office and airline counts, immediate action shall be taken with the airline operations office to ascertain the reason for the discrepancy and whether additional mail may be found at the airline ramp or on board the aircraft.

(4) The original copy of the form shall be signed and delivered to the air carrier's agent as a receipt.

(5) The duplicate copy of the form shall be retained in the airport mail facility files.

§ 96.25 Form 2759, report of irregular handling of airmail (RS–TR–3).

(a) *Description.* Form 2759 is used as a basis for brief against an air carrier for irregular handling.

(b) *Preparation.* Postal employees must prepare Form 2759, in quadruplicate, immediately to report any air carrier irregularities in handling mail or mail equipment involving refused, removed in error, loaded in error, failed to load, not transferred, carried by, delayed delivery, damage, including weather damage due to negligence on the part of the carrier, or other irregularity requiring remedial action. When mail is damaged by inclement weather, report only those bags and outside pieces actually wet or otherwise damaged. Do not prepare forms to cover irregular receipt due to weather conditions. Furnish all data required. If the accuracy or completeness of the facts are uncertain, get additional information from the local representative of the carrier involved. When Forms 2759 are prepared to report Loaded in Error mishandling, the air stop postal unit shall reproduce the coding shown on the related pouch label on Form 2759. The coding shall be shown under the heading Explanation of Mishandling and Cause, If Known.

(c) *Review.* The unit supervisor (or relief in his absence) must review each Form 2759, as soon as possible after its preparation. This review shall (1) assure inclusion of all information necessary to evaluation and (2) determine that the report does not cover an irregularity clearly not chargeable to failure, negligence, or oversight of carrier personnel. Careful review and withdrawal of reports of irregularities not properly chargeable to a carrier will eliminate the carrier's and the distribution and traffic manager's handling of unnecessary reported cases (such as overcarry due to weather, mechanical failure, or irregularities resulting from incorrect routing instructions on Form 2729, pouch label, or parcel sticker).

(d) *Distribution*—(1) *Reports covering incidents chargeable to carrier.* Send original and first copy to the distribution and traffic manager having jurisdiction over the reporting unit, send the second copy to the local station manager of the carrier concerned, and retain the third copy in files.

(2) *Reports covering incidents not chargeable to carrier.* Staple the first and second copies together and forward them to the distribution and traffic manager and retain the third copy in files.

§ 96.26 Applicability of forms and procedures.

(a) *Airmail.* The forms and procedures described in this part are applicable to all domestic air carriers on all their routes within and between the fifty United States, Puerto Rico, and the Virgin Islands (but not for mail originating at or intended for destinations beyond).

(b) *Emergency first-class mail by air.* In the dispatch of first-class mail by air under *emergency* conditions, the forms described in this part will also be utilized. However, separate forms should be used and prominently endorsed *First-Class Mail.*

(c) *Mexico and Cuba.* Procedures for airmail routes to and within Mexico and Cuba are covered by special instructions.

Subpart D—International Air Transportation

§ 96.30 Authority.

(a) *Applicability.* This subpart applies to air carriers and foreign air carriers engaging in overseas or foreign air transportation of mail on FAM numbered routes assigned by the Post Office Department to the extent noted herein, and supplements the provisions of the Convention of the Universal Postal Union.

(b) As used in this subpart:

(1) "Air Carrier," also called American Flag Carrier, means any citizen or company of the United States authorized by the Civil Aeronautics Board to engage in overseas or foreign air transportation.

(2) "Foreign Air Carrier," also called Foreign Flag Carrier, means any individual or company not of the United States authorized by the Civil Aeronautics Board to engage in foreign air transportation.

(3) "Carrier" means both air carrier and foreign air carrier.

(4) "Overseas Air Transportation" means the carriage of mail by aircraft between a place in any State of the United States and any place in a Territory or possession of the United States; or between a place in a Territory or possession of the United States and a place in any other Territory or possession of the United States.

(5) "Foreign Air Transportation" means the carriage of mail by aircraft between a place in any State, Territory or possession of the United States and any place wholly outside thereof.

(6) "Mail" means United States and foreign-transit mail.

(c) *Authority to engage in air transportation*—(1) *American flag air carriers.* Air carriers shall not engage in air transportation unless a certificate has been issued by the Civil Aeronautics Board authorizing them to do so. Each such certificate states the terminal points and intermediate points, if any, between which the air carrier is authorized to engage in air transportation.

(2) *Foreign flag air carriers.* Foreign air carriers shall not engage in air transportation from U.S. soil without a permit issued by the Civil Aeronautics Board authorizing such transportation.

(d) *Policy for dispatch of airmail.* The service which will afford the most expeditious delivery of the mail shall be utilized. United States flag carriers, for economic and national interest reasons, shall have first priority to the traffic wherever practicable.

(e) *Rules and regulations.* The Department will make such rules and regulations as may be necessary for the safe and expeditious transportation of airmail by aircraft. The Assistant Postmaster General, Bureau of Transportation, will establish the policy for transportation of mail and for exchange of airmail between postal employees and carriers.

(f) *Agreements.* The Department may enter into agreements with postal administrations of other countries with respect to airmail transportation. The Department may also make arrangements with foreign air carriers for the transportation of mail if they have been issued permits by the Civil Aeronautics Board.

(g) *Transportation of foreign origin mail.* Air carriers transporting mail of foreign countries are subject to control and regulation of the United States.

§ 96.31 Carrier operations.

(a) *Filing of schedules.* Carriers authorized to engage in air transportation shall transport mail only after filing their schedules of operations with the Department. The Department will designate the flights required for the transportation of mail and inform the carriers accordingly. No carrier shall transport mail in accordance with any schedule other than one designated or ordered to be established by the Department for the transportation of mail.

(b) *Schedule revisions.* Changes to existing schedules must be filed with the Department not less than 10 days before their effective dates. Three copies should be filed with the Director, International Service, Bureau of Transportation, Post Office Department, Washington 25, D.C., one with the distribution and traffic manager, Post Office Department, in each region concerned, and three with the claim for the mail transportation.

(c) *Flight movement.* Carriers should operate designated flights as nearly as practicable at the times indicated in published schedules. Whenever earlier or later departures are required, sufficent advance notice should be given the local postal representatives in order that appropriate adjustments may be made in the dispatch schedules.

(d) *Extra sections.* Extra sections of a designated scheduled flight may be used for the transportation of mail.

(e) *Emergency flights.* Emergency flights operated by a carrier may be used for the transportation of mail. However, carriers should not accept mail for any country served by the emergency flight if they are not authorized to serve that country regularly.

(f) *Omission of service.* If a scheduled stop is to be omitted on a designated flight, the carrier must immediately no-

tify the local postal representatives concerned. If the service is to be suspended for one week or more, the carrier must notify the Director, International Service, Post Office Department, Washington 25, D.C., and the local postal representative at the point involved. The same officials should be notified when the service is resumed.

(g) *Canceled flights.* When a flight is canceled at the initial terminal or any point en route, the carrier should promptly notify the local postal representatives concerned.

(h) *Delayed departures.* If a flight is delayed after accepting mail and the delay is estimated to be two hours or less beyond the scheduled departure, the mail will be retained aboard the flight. If the flight is delayed over two hours, the dispatching postal unit should be informed of the delay and the probable time of departure. In such cases, the postal representative will determine whether the mail should be returned to the postal unit.

(i) *Accidents.* Carriers will immediately inform the Post Office Department, Washington 25, D.C., of any accident resulting in possible damage to or loss of United States mail. When an accident occurs in the United States, the distribution and traffic manager, Post Office Department, in the region concerned should also be notified. Accidents occurring outside the United States must be reported to the postal administration of the country to which the carrier belongs and to the postal administration of the country in which the accident occurs. (See § 96.33.)

§ 96.32 Transportation of mail.

(a) *Tender of mail.* When authorized to transport mail, carriers shall provide necessary and adequate facilities and service for its transportation and will be held strictly accountable for the proper care of mail and postal equipment while in their custody.

(b) *Priority of mail and allocations*—(1) *Priority.* Air carriers shall transport all airmail available for each flight designated by the Department. If the airmail available for dispatch exceeds the weight allocation or normal load, the excess shall have priority of transportation over all unconfirmed passengers and other traffic. (See § 96.1(a)(1) for normal mail load.)

(2) *Allocations and estimates.* Weight allocations are for planning purposes to assist the Postal Service as well as air carriers to fully realize the maximum payload on each flight. Postal units will give air carriers an advance estimate of the mail anticipated for the flight, which may be above or below the weight allocation already agreed upon. If the airmail estimate is in excess of the allocation, the air carrier may refuse the excess if confirmed passenger traffic prevents its acceptance. If the air carrier refuses airmail, Form 2759, "Report of Irregular Handling of Air Mail", should be prepared for the difference between the amount accepted and the allocation or normal load. (See § 96.33.)

(3) *Backlog.* Carriers will be expected to provide sufficient lift to accommodate any backlog of mail which has accumulated due to irregular operations or cancellations.

(4) *Removal or refusal.* When it becomes necessary to reduce the load of an aircraft due to weather or other cause, the following order of removal or refusal shall prevail:

(i) Company material.

(ii) Express and cargo.

(iii) All categories of mail other than letters and cards (LC).

(iv) Diplomatic pouches not carried as first-class mail.

(v) Company mail.

(vi) LC mail after removal of all other traffic except revenue passengers with space confirmed prior to knowledge that the load must be reduced.

(5) *Nonpriority mail.* Nonpriority mail consists of military official mail dispatched on a space available basis. Normally, military official mail moves on the same basis as cargo, that is, first in, first out priority. Carriers accepting military official mail do so with the understanding that movement to destination is assured.

(c) *Delivery of mail to carriers*—(1) *Documentation.* The postal unit delivering mail must prepare the AV-7s "Delivering List of Air Mail Dispatches" listing the origin, destination, weight of the mail, and dispatch and routing instructions. One set of AV-7s must be prepared for each stop point on the flight where mail is available for transportation.

(2) *Verification by carriers.* The carriers shall verify all mail tendered for transportation against the entries appearing on the AV-7s—Mail Waybills. If an irregularity in the condition of the mail is observed at the time of acceptance, it should be brought to the attention of the postal unit before signing the AV-7s.

(d) *Delivery of mail to carriers on delayed flights and extra sections*—(1) *Delayed flights.* After flight documents have been completed for imminent departure and a delay occurs additional mail should not be accepted by carriers unless it can be done without detriment and cause no further delay in departure of the flight. Additional mail will be tendered if space is available and it will not cause removal of passengers or cargo already manifested on the aircraft documents.

(2) *Extra sections.* Mail may be conveyed on extra sections of a designated flight. Mail carried on extra sections shall be considered as having been conveyed on the regular scheduled flights for purposes of arriving at the base weight for the flight.

(e) *Transfer between flights.* Each carrier must transfer mail between its own flights whenever the transfer is shown on the AV-7s. It must transfer mail at points in the United States, its territories or possessions with domestic air carriers as directed by the Department. (See § 96.3(b).)

(f) *Retaining mail in foreign countries.* In a foreign country, carriers may retain custody of United States civilian mail aboard a flight when the departure is delayed up to 12 hours. On delays over 12 hours, or upon cancellation, civilian mail must be delivered to the local post office for disposition. The original documents, properly endorsed, must accompany the mail. Military airmail must be held in the custody of the air carrier, and the Post Office Department, Washington 25, D.C., should be promptly requested by wire to furnish instructions for disposition. Under no circumstances should military airmail be turned over to a foreign post office or to a foreign carrier.

(g) *Delivery of mail by carriers to postal representatives.* Upon arrival of a flight, the carrier must unload the mail and make delivery as soon as possible to the authorized postal representative at such point as may be designated.

(1) *AV-7s, Delivery list of air mail dispatches.* One copy of each set of AV-7s and additional copies which are required for receipt to the carrier must be delivered with the mail. Any irregularities must be noted on all copies of the AV-7.

(2) *No documents in the United States.* Carriers delivering mail to United States postal installations without AV-7s will obtain receipt on P.O. Form 2753 "Receipt to Airline" for all mail delivered to the postal unit. The receipt will show only the total number of pieces being delivered. If a postal unit is not located at the airport, Form 2753 must be prepared by the carrier for signature by the postal service motor vehicle driver.

(3) *No documents in foreign countries.* Carriers delivering mail to foreign postal installations without AV-7s will obtain receipt on such form as may be prescribed in that country.

(4) *Delivery of all mail aboard an aircraft.* At terminal points of flights, all mail on board the aircraft will be delivered to the postal unit unless there is an agreement to the contrary between carriers and the governments concerned.

(5) *Irregular stops.* Carriers making irregular landings in the United States due to weather or other causes may retain the mail for six hours while holding for clearance to proceed to the designated terminal point. If the flight cannot proceed within the six hours, the mail on board, together with the mail documents, shall be delivered to the local postal unit.

(h) *Irregularities*—(1) *Labels lost in transit.* When a dispatch has lost its label in transit, the carrier may transport the dispatch to its off-loading point if it can be identified from the mail documents. Otherwise, the dispatch should be delivered to a postal unit for identification and re-labeling. Receipt should be obtained by the carrier from the accepting postal unit.

(2) *Damaged mail dispatches.* When mail is discovered in a damaged condition, it should be offloaded at the first stop or at the destination of the dispatch whichever occurs first. The damaged mail should be tendered to the local post office for handling and a receipt obtained therefor.

(3) *Mail depredations.* All sealed mail containers that have been tampered with while in a carrier's custody should be surrendered immediately to the local post office with a statement of facts for action deemed appropriate according to the laws of the country where the depredations or tampering of the mail occurred.

(i) *Refusals and removals of mail.* Refusals and removals of mail by a carrier may result in diversion of the mail to another carrier and in the imposition of fines.

§ 96.33 Mail transportation irregularities.

(a) *Deductions and fines.* Carriers transporting mail will observe all applicable rules and regulations issued by the Department. The Department may impose a penalty against air carriers for failure to comply.

(b) *Irregularities.* It is the responsibility of postal personnel at international exchanges offices to report all instances of irregularities that come to their attention. These reports should be made on Form 2759 "Report of the Irregular Handling of Air Mail"; the original and first copy of which will be sent to the distribution and traffic manager having jurisdiction over that unit; the second copy to the local station manager of the carrier concerned; and the third copy retained at the office preparing the report. Reports of irregularities not chargeable to a carrier should be forwarded to the distribution and traffic manager; with the usual copy being retained for files of the reporting unit.

(c) *Types of irregularities.* Listed below are the types of irregularities to be reported on Form 2759:

(1) Refusal and removal.

(2) Failure to notify postal authorities.

(3) Damage to mail and/or equipment while in custody of carrier.

(4) Nonreceipt of mail documents.

(5) Delayed delivery to postal unit.

(6) Serious infractions.

(d) *Notification to the air carrier.* The copy of Form 2759 sent to the air carrier serves as notice of the irregularity. It is not contemplated that there will be a letter of acceptance of responsibility by the air carrier. Failure to inform the distribution and traffic manager in whose region the 2759 was prepared by the 10th of the following month will be considered as an acceptance of the facts as stated in the report.

(e) *Processing Form 2759.* The distribution and traffic manager of the region where the irregularity was reported shall examine the form to determine whether the air carrier concerned should be fined. Each report should be analyzed by knowledgeable personnel to assure fair judgment in recommending penalties.

(f) *Assessing penalties.* All reports of irregularities occurring during a month will be processed as a unit and cleared by the end of the next month. The following schedule will be used to determine the amount of each penalty:

(1) *Refusal and removal.* Air carriers using pre-determined weight allocations need not submit Form 2760. Instead, an explanation should be furnished the distribution and traffic manager within 10 days after the date of irregularity report and should include such facts as the weight of company material and cargo carried on the flight. Failure to accept the allocation or advance estimate, if any is given, will be analyzed to determine whether a penalty should be imposed. The basis for such penalty shall be $25.00 for each 45 kilos or fraction.

(2) *Failure to notify postal authorities.* Failure to notify postal authorities of nonoperation, late departure, additional sections, additional stops, omission of scheduled stops, etc., will be subject to a penalty if in the opinion of the distribution and traffic manager there is significant failure to cooperate. Such penalties should be in multiples of $25 for each offense.

(3) *Damage to mail or equipment while in custody of carrier.* A minimum penalty of $25.00 will be assessed for each case.

(4) *Nonreceipt of mail documents.* Air carriers delivering mail without AV–7s or mail manifest will be penalized on the basis of $25.00 for each such occurrence unless a satisfactory explanation is given.

(5) *Delayed delivery to postal unit.* Air carriers delivering mail to the postal unit at the airport in excess of the prescribed time limit shall be assessed a penalty based on the following formula:

Number of pieces:	*Fine*
1 to 3	$5.00
4 to 10	10.00
11 to 25	25.00
26 to 50	40.00
Over 51	75.00

(6) *Serious infractions.* In the event of a serious infraction which requires punitive action not specifically mentioned herein, the distribution and traffic manager will communicate these facts to the Director, International Service, for decision.

(g) *Computing penalties.* After computing penalties for a month and the total penalties amount to $50 or less, the cases shall be filed and no penalty imposed for that month.

(h) *Appeal by air carrier.* If an air carrier should appeal the amount of the penalty on any particular irregularity, all papers should be forwarded to the Director, International Service, for review.

(i) *Notification to the office settling the accounts.* The distribution and traffic manager will advise the Post Office Department, Bureau of Finance, International Accounts Branch, Washington 25, D.C., the total deduction to be made from mail pay due the air carrier. A copy of such advice should also be sent to the Director, International Service. Also, a copy should be sent to the air carrier concerned, together with a copy of Form 2759 on which penalties have been assessed.

Name of carrier	Route No.	Region assessing fines
American Airlines, Inc.	FAM 26	Dallas.
Braniff Airways, Inc.	FAM 34	Do.
Delta Airlines, Inc.	FAM 31	Atlanta.
Eastern Air Lines, Inc.	FAMs 33 and 35.	New York.
National Airlines, Inc.	FAM 32	Atlanta.
Northwest Airlines, Inc.	FAM 28	Seattle.
Pan American Airways, Inc. (Latin American Div.).	FAM 5	Atlanta.
Pan American Airways, Inc. (Pacific Div.).	FAM 14	San Francisco.
Pan American Airways, Inc. (Atlantic Div.).	FAM 18	New York.
Pan-American-Grace Airways, Inc.	FAM 9	Do.
Samoan Airlines, Ltd.	FAM 41	San Francisco.
Seaboard World Airlines, Inc.	FAM 38	New York.
South Pacific Air Lines, Inc.	FAM 40	San Francisco.
Trans World Airlines, Inc.	FAM 27	New York.
Western Air Lines, Inc.	FAM 36	San Francisco.

§ 96.34 Records and reports.

(a) *Form 2759, "Report of irregular handling of airmail."* Postal employees must prepare Form 2759 promptly to report all irregularities in the handling of mail, including refusals by carriers. The form serves as a basis for assessing penalties against air carriers whenever the circumstances warrant.

(b) *Form 2753, "Receipt to airline."* Form 2753 is a receipt prepared by postal personnel and given carriers delivering mail without AV–7s. The receipt is prepared in duplicate and will show only the total number of pieces and flight data.

(c) *Form 2734, Airmail exception record.* Form 2734 will be prepared by air carriers due to effect transfer of airmail to a United States domestic air carrier when circumstances prevent following the original routing, loss of papers, etc. (See § 96.22.)

§ 96.35 Rates of compensation.

(a) *Rates for air carriers; United States mail.* Rates of compensation due air carriers for the transportation of mail are fixed by the Civil Aeronautics Board and amounts due them are paid by the Department from appropriations for the transportation of mail by aircraft.

(b) *Rates for air carriers; foreign mail.* The Department will fix from time to time the rates of compensation that are charged foreign countries for the conveyance of their mail by air carriers.

(c) *Rates for foreign air carriers; United States mail.* The Department will not pay to a foreign air carrier or his national government, a rate for transporting mail between the United States and such country, higher than that paid to air carriers by foreign governments for transporting their mail between such foreign countries and the United States.

§ 96.36 Payment for transportation of mail.

(a) *Air carrier accounts; payment for foreign mail.* All revenue received from foreign governments for the transportation of their mail by air carriers is for their account. Collections of amounts due from foreign countries may be ef-

fected from such foreign countries direct by air carriers (with prior approval of the Department) or by the Department.

(b) *Air carrier accounts; payment for United States mail.* Air carriers will submit their claims, prepared and supported according to instructions furnished by the Department to the "Post Office Department, Bureau of Finance, International Accounts Branch, Washington 25, D.C."

(c) *Foreign air carrier accounts; payment for mail loaded in the United States.* Foreign flag air carriers authorized by their governments to collect direct from the United States Post Office Department will submit their claims prepared and supported according to instructions furnished by the Post Office Department, Washington 25, D.C. Transportation charges for mail enplaned in the United States will be claimed from the United States Post Office Department irrespective of actual origin of the mail transported from the United States by foreign air carriers.

§ 96.37 International air handbook.

Exchange offices will be governed by instructions contained in Transportation Handbook Series T–1, Instructions for Handling and Reporting of International Airmail at Exchange Offices, together with such special instructions as may be issued from time to time.

Subpart E—First Class Mail (FCM) by Air

§ 96.45 Definition.

The term "First-Class Mail By Air (FCM)" is used to describe first-class mail, other than airmail and air parcel post, which is authorized for transportation by aircraft between designated points on a space-available nonpriority basis. The mail to be included is:

(a) All mail paid at first class rate, and business reply mail.

(b) All official U.S. Government mail endorsed "First Class."

(c) All other sealed official U.S. Government letter size mail except volume shipments on which it is known, or can be determined, the mailer does not expect air service.

At exchange offices, ordinary military official mail and ordinary APO and FPO (i.e., personal) mail may properly be included in airlift dispatches over all authorized segments.

§ 96.46 Authority, rates, and service.

(a) *Civil Aeronautics Board.* Order No. E–17255, adopted by the Civil Aeronautics Board on July 31, 1961, established rates for the transportation of FCM on a voluntary, space-available basis effective September 16, 1961. The rates are based on a multi-element rate formula, including line-haul and terminal charges at rates 50 percent of those prescribed for air transportation of airmail within the continental United States. A higher line-haul charge of 18 cents per mail ton-mile (vs. 15.085 cents per mail ton-mile on the basis of ½ of the airmail line-haul charge) is prescribed for transportation between points in Alaska and the nearest point in the 48 contiguous States. A composite FCM rate table is published by the Director, Air Transportation.

(b) *Post Office Department*—(1) *Authorizations.* Authorizations for dispatch of FCM are made by the Bureau of Transportation, Washington 25, D.C. All present authorizations are continued unchanged but no expansion of the FCM program, either with respect to the mail to be flown or the airlift segments involved, is to be made unless authorized by the Bureau of Transportation.

(2) *Interline transfers*—(i) *Trunkline and cargo air carriers.* (*a*) FCM will not be tendered by any postal unit if an intermediate transfer to another air carrier would be required to provide transportation to the intended destination except where such interline transfers have been mutually agreed to by the carriers involved and the Department.

(*b*) Where single carrier service between any authorized points is believed inadequate, and an interline transfer of value is available, the distribution and traffic manager in the dispatching region will request the Director, Air Transportation, to consider the possibility of arranging with the carriers involved for establishment of such a mutually agreeable interline transfer.

(*c*) Full particulars will be furnished to all concerned by the Director of Air Transportation whenever interline transfers are agreed upon.

(*d*) Through interchange flights, operated by two or more carriers, shall not be considered as interline transfers.

(*e*) See § 96.47(a)(4)(ii) for instructions concerning transfers to another air carrier which may be directed when mail has been irregularly handled.

(ii) *Local service air carriers.* No interline transfers in ordinary circumstances are authorized between local service air carriers or between trunkline and local service air carriers. See § 96.47(a)(4)(ii) (*b*) and (*c*) concerning permissible interline transfers between any domestic air carriers when service has been interrupted.

(c) *Division of FCM*—(1) *When to make.* When two or more authorized carriers operate between the same pair of points, and the criteria shown in subparagraph (2) of this paragraph exists, the FCM shall be divided on an equitable basis by the dispatching unit with due consideration to the availability of space and the needs of the postal service.

(2) *Criteria for division*—(i) *Volume.* (*a*) The total volume of FCM for each separate destination point, arriving at the airport of dispatch via each vehicle service (VS) or mail messenger (MM) truck, will be considered in the division.

(*b*) No division will be warranted unless 200 or more pounds are available for dispatch. However, the local postal unit will endeavor to assign the shipments alternately to the available carriers having space to prevent one carrier consistently receiving "less than division" lots.

(ii) *Air carrier schedules.* (*a*) Carriers eligible to participate in a division of FCM arriving at an airport by each VS or MM are those which have "any" scheduled service to the destination city within a 4-hour period thereafter, regardless of arrival time.

(*b*) Generally at major points, this 4-hour period will commence no later than "60 minutes" after arrival at the airport of the VS or MM trip. At smaller stations, the time period may commence immediately upon arrival of the surface connection at the airport. The D&TM of the region having jurisdiction of the dispatching postal unit will establish the appropriate time period which will apply at that point and notify all concerned.

(*c*) Whenever FCM is available for dispatch, and "no" flights are scheduled to a destination during the next 4-hour period, the usual division of FCM will not apply. In these circumstances, the FCM will be divided among those carriers having service scheduled to depart within 90 minutes following the period of no service, except that the instructions in (*f*) of this subdivision will apply.

(*d*) The regular "Origin and Destination Schedules" will be used to determine the availability of scheduled service. In the event an air carrier desires to have other schedules included (e.g., trips involving an intra-line transfer, or multiple stops), this information must be submitted to the D&TM having jurisdiction, with copies to the competitive carriers. Schedules of this type will be included with those in the O/D schedules by the D&TM in determining the proper allocations of FCM. Although it will not be necessary for these schedules to be published in the "Origin and Destination Schedules", they may, if desired, be included by preceding the listing with an ampersand "&".

(*e*) An air carrier can participate in a division of FCM on only those days when there is scheduled service by that carrier within the specified 4-hour period.

(*f*) When one air carrier has service arriving in time for connection to a letter carrier delivery trip not provided by competing carriers, the division shall be accomplished by dispatch of the city pouches to that carrier. Usually, the dispatch of city pouches by one carrier and the dispatch of AMF or Dis pouches by another carrier, or carriers, will accomplish an equitable division. When the routing of city mail by one carrier, or to one airport in multiple airport situations, is advantageous to the postal service, "no" division will be made of the city mail even though this results in an unequal tender to one carrier.

(*g*) An air carrier participating in a division of FCM having knowledge that he will be unable to transport such mail within the specified 4-hour period is required to notify the local postal unit before the division is made. Observance of this requirement will permit equitable division between carriers without loss of space availability.

(*h*) Adjustments in each separate division will be made when there are air carrier schedule changes involving establishment, revision, or elimination of particular flights which warrant such action.

(iii) *Multiple airport cities*—(*a*) *At origin point.* The division will be de-

termined separately at each airport involved.

(b) *At destination point.* (1) FCM for a destination point which is a multiple airport city will be considered as a single total and those carriers with "any" service scheduled during the specified 4-hour period from the origin point to any one of the destination airports shall participate in the division. In the event the receiving region desires routing to a particular airport, as described in (b) (2) of this subdivision, an equal division will be made only to the extent possible while still providing service to the airport specified.

(2) All FCM cannot be handled interchangeably at different airports to equal advantage. The D&TM of the receiving region will determine what arrangements may be necessary to assure receipt at the most advantageous airport. (Example: the dispatch of pouches of New Jersey FCM labeled to "Newark, N.J. Dis" may not be desired to Idlewild or La Guardia airports when following service is available to the Newark airport.)

(iv) *Stockpiling FCM.* Postal units will make local arrangements with air carriers for stockpiling FCM when it is mutually advantageous and agreeable. Air carriers shall not be required to accept FCM for protection and storage pending shipment, but may elect to do so if tendered by the Postal Service.

(d) *Registered FCM—(1) Units authorized to dispatch airlift registers.* The designated postal units at each airlift point will be the only units authorized to make-up and dispatch registered airlift mail. Mobile units and satellite offices due to dispatch airlift mail through this point will dispatch registers to the designated postal unit for consolidation and dispatch.

(2) *Make-up and dispatch by authorized airlift dispatch units.* (i) All registered mail for dispatch in the airlift will be made up in rotary locked pouches or jackets. Direct pouches warranted by volume will be made. Pouches or jackets will be made up by the designated dispatching unit at the authorized airlift point, labeled to the authorized distribution unit at the airlift destination. The dispatching unit will reinclose the rotary locked pouch or jacket in an iron locked or snap seal pouch labeled to the airlift destination. Each outer pouch will contain a manifold bill covering only the jackets or pouches enclosed.

(ii) First class registered articles for delivery within the 48 contiguous states, which because of their size or content cannot be enclosed in a pouch, will not be dispatched via "airlift." They will be given the most expeditious surface dispatch. Articles of this nature handled between the 48 contiguous states, and the offshore points, Alaska, Hawaii, and Puerto Rico, will be handled in the airlift.

§ 96.47 Responsibility for FCM program.

(a) *Air carriers—(1) Transportation on space-available basis.* Air carriers will transport FCM on a voluntary, space-available basis to the destination shown on the dispatch record and pouch label. The Civil Aeronautics Board order prescribes that no air carrier shall transport FCM if such transportation impedes the carriage of priority airmail, passengers, passenger baggage, air parcel post, air express, or regular air freight, except that FCM which has been loaded in the aircraft need not be removed to permit carriage of regular air freight received thereafter or received at an intermediate point. The movement of FCM by air shall have priority over the movement of deferred air freight.

(2) *Notification to postal units.* The local unit must be promptly informed of any delay or inability to transport mail which has been tendered in order that consideration may be given to utilization of any alternate routings which may be available to move the mail. An air carrier which has carried FCM beyond, or off-loaded short of, the billed destination must also promptly notify the postal unit at the point where FCM is on hand and receive instructions as to the best disposition to be made of the mail.

(3) *Dispatch within four hours—trunkline and cargo air carriers.* In the event any or all of the FCM has not been dispatched by a trunkline or cargo air carrier within 4 hours after receipt at the initial point (or 4 hours after anticipated dispatch in the event of early receipt for preloading on a flight where available space is anticipated), the carrier shall notify the postal unit. On instructions from the postal unit, the FCM shall be (i) returned by the carrier to the custody of the Postal Service at the place where the initial delivery was made, (ii) delivered at the holding carrier's facilities at the airport of dispatch to another designated carrier which has space available and which will pick up the mail within a reasonable time, or (iii) held for an additional period if acceptable to the carrier.

(4) *Requirements for transfer of FCM.* (i) Local service carriers must make any necessary intraline transfers to other trips of the same carrier in order to provide transportation to the destination listed on the original dispatch record. Interline transfers of FCM to another air carrier are not authorized in ordinary circumstances; See subdivision (ii) (*b*) and (*c*) of this subparagraph concerning permissible interline transfers when service has been interrupted.

(ii) Trunkline and cargo air carriers will not be required to transfer FCM to other carriers except:

(*a*) When mutually agreeable transfers have been agreed upon. See § 96.46 (b) (2) (i) (*b*);

(*b*) When FCM is inadvertently transported to a destination other than that to which due and the carrier does not have service within 2 hours on which space is available to the intended destination and another carrier can provide the needed space with earlier arrival at destination;

(*c*) When a carrier must unload FCM at an intermediate point and has no service or space within 4 hours and another carrier can provide the needed space with earlier arrival at destination.

(5) *Delivery requirements.* Priority in delivery, equivalent to airmail, to the destination postal unit cannot be required. Delivery of FCM shall be made as soon as practicable and without unwarranted delay.

(6) *Protection of mail.* FCM must be protected from the weather and possible depredation and accorded the same care and safeguards as is given regular airmail. The provisions of § 96.1 (b) (1) must be observed.

(7) *Applicability of pertinent sections of this part.* The provisions of §§ 96.1 (b) (1) and (c), 96.3 (a) (1) (except with respect to time), and §§ 96.23 and 96.24 (except with the reference to airmail forms), apply to the handling of FCM by air carriers.

(b) *Postal units.* Airport mail facilities and air stop point post offices are responsible for:

(1) Excluding from FCM dispatches any nonmailable articles coming to their attention which are not acceptable for transportation by air. See Parts 14 and 15 of this chapter for responsibility of mailers and accepting clerks.

(2) Utilizing such equipment and locking devices as may be designated from time to time for FCM dispatches.

(3) Preparing regular surface labels to identify FCM dispatchers, underscoring the destination postal unit with a red line and showing proper air stop point coding to the destination airport. See § 96.48 (a).

(4) Assuring that mail messenger or vehicle service, as necessary, is provided for delivery and receipt of FCM.

(5) Reporting irregularities in service to the distribution and traffic manager on Form 2759, "Report or Irregular Handling of Airmail," appropriately checked to indicate "FCM", for necessary action.

(6) Attempting to have FCM which is off-loaded short of, or carried beyond, the intended destination continued onward by air by means of transfer on Form 2715–B to an air carrier having available service. See § 96.48 (e) (4).

(7) Redispatching by air to the intended destination any FCM which is irregularly off-loaded and turned in to the postal unit; provided, that onward air dispatch is superior to available surface transportation. Form 2715-X procedure will be used at those points where dispatches to any point are made in that manner. Otherwise, Form 2713 will be prepared with source from which mail was received appropriately noted thereon.

(c) *Distribution and traffic manager.* The Distribution and traffic manager is responsible for:

(1) Notifying postal unit concerning authorized dispatches, air carriers involved, and dates or other particulars of service.

(2) Issuing appropriate instructions concerning the labeling of pouches, mail due dispatch, time of advantageous tie-outs, and other local arrangements or requirements.

(3) Assuring that no improper diversions of mail are made to FCM dispatches which has been authorized.

(4) Evaluating promptly any FCM irregularities reported by dispatching or receiving postal united on Forms 2759.

(5) Reporting to Director, Air Transportation, any failure by air carriers to promptly correct unsatisfactory conditions so that remedial action may be taken.

§ 96.43 Forms and procedures for dispatching and receiving FCM.

(a) *Labeling and marking*—(1) *FCM pouches.* The dispatching postal employee shall label FCM pouches with regular surface labels and underscore destination with a red line to identify as FCM dispatches. When dispatch is to a postal unit that is not an air stop point, enter on the label the official code letters for the final air stop off-loading point. Bracket code letters. Show contents of pouch on descriptive line of label, e.g. "Illinois." Enter the weight on the label in the same manner as for airmail except that the weight need not be shown on the individual labels where bulk weighing has been authorized.

(2) *First-class outsides.* When it is not possible to enclose a first-class piece in a pouch or sack, use crayon or indelible pencil to enter weight and "FCM" endorsement in large figures near address. When the outside is billed to an airport not located at city shown in address, also prominently show the airport destination code in brackets.

(b) *Form 2713–X, receipt from air carrier*—(1) *Use.* Form 2713–X is used for FCM dispatches over trunkline and cargo air carriers.

(2) *Who prepares.* The form is prepared by the designated clerk at the airport mail facility or the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and one copy for each dispatch of FCM and maintain a separate series for each carrier destination:

(*a*) *Bill No.* —. Number consecutively, beginning with No. 1, each Form 2713–X prepared during the 24-hour period. (Where desirable, a 24-hour period extending from other than 0001 to 2400 may be established by appropriately notifying all concerned.)

(*b*) *Air carrier.* Show name of air carrier due to receive the FCM dispatch.

(*c*) *Dispatch From.* Enter airstop-alpha code.

(*d*) *Destination.* Enter alpha code of airstop point to which routed. For interchange trips, show code for destination where transportation by first carrier terminates followed by ultimate destination in brackets.

(*e*) *Date.* Enter date delivered to air carrier.

(*f*) *Pouches and pieces.* Enter total number of pouches and outsides and total weight.

(ii) *Air stop post offices.* Prepare Form 2713–X in manner described in subdivision (i) of this subparagraph with the following additional requirements:

(*a*) Prepare original and "two" copies.

(*b*) Give original and first copy to mail messenger or vehicle service driver with related FCM for delivery to carrier at airport.

(3) *Delivery to air carrier representative.* The forms, in duplicate, will be delivered with the related FCM to air carrier representative who will:

(i) Verify that total number of pieces agree with total shown on form.

(ii) Enter time FCM received, sign both copies and enter initials of airline.

(iii) Return signed duplicate copy to postal representative (AMF clerk, mail messenger or vehicle service driver) for return to postal unit.

(4) *Retention by postal unit.* AMF or PO clerk designated will file receipted copies of Form 2713–X by carrier, date and bill number order for later use in verification of Form 2715–X, "Carrier Record of FCM Dispatched by Air." Post offices should discard the second copy of Form 2713–X which was held pending return of signed duplicate copy by MM or VS driver.

(c) *Form 2715–X carrier record of FCM dispatched by air.* (1) Air carriers receiving FCM on Forms 2713–X, "Carrier Record of FCM Dispatched by Air", to provide a record for each 24-hour period of FCM dispatched to the various destinations.

(2) *Who prepares.* The form is prepared by the air carrier representatives as follows:

(i) Prepare original and one copy for each destination. Where dispatches are regularly made to a destination, but for any reason "no" dispatch is made on a particular date, prepare Form 2715–X and mark "Nil".

(ii) Complete headings.

(iii) Post under heading "Received From AMF":

(*a*) Pieces and weight of mail carried forward from previous day.

(*b*) In bill order number, promptly on receipt of related mail described on each Form 2713–X.

(*c*) Pieces and weight of mail received by transfer from other carriers on Forms 2715–B.

(*d*) At the close of the 24-hour period, add pieces and weight and enter on "Total" line.

(iv) Post under heading "Transported by Carrier":

(*a*) Pieces, weight and trip number on which FCM boarded. For FCM dispatched to interchange trips, show under "Remarks" the ultimate destination in brackets.

(*b*) At the close of the 24-hour period, add pieces and weight of mail boarded and enter total.

(*c*) Total pieces and weight of mail from Forms 2715–B covering mail transferred to another carrier. Also, total pieces and weight from Forms 2753, "Receipt to Airline", for mail returned to the postal unit.

(*d*) Inventory any mail stockpiled and enter total pieces and weight of mail on hand.

(*e*) Total pieces and weight. Verify that the total balances with the total under "Received from AMF" column.

(v) Sign and present Form 2715–X (original and one copy) to postal unit for verification.

(vi) The portion of Form 2715–X under "Carrier's Statement of Service Performed" should not be completed.

(3) *Postal unit verification.* (i) The air carrier preparing Form 2715–X will arrange to submit the form daily following the close of the 24-hour period to the postal unit from which FCM is received for verification.

(ii) The designated postal clerk will verify that:

(*a*) The figures for pieces and weight brought forward from previous day are correct by checking Form 2715–X for previous day.

(*b*) Duplicate copies of Form 2713–X agree with related entries under heading "Received From AMF".

(*c*) The balancing totals are correct and agree.

(*d*) No mail was held for more than a 4-hour period without approval of the postal unit.

(*e*) All discrepancies are reconciled with carrier representative and that any correction to the original and copy of Form 2715–X are made in the identical manner.

(4) *Disposition of copies.* (i) After the verification has been completed, the postal clerk will sign both the original and copy and return the original Form 2715–X to the air carrier representative for transmittal to the general offices of the company to support the carrier's claim for compensation for service performed.

(ii) Postal units will forward duplicate copies of Forms 2715–X weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d)(3).) Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(d) *Form 2713, dispatch record of first-class mail by air*—(1) *Use.* Form 2713 is used for FCM dispatches over local service air carriers; and on the West Coast, over trunkline air carriers between points where no 24-hour dispatch is made on Forms 2715–X.

(2) *Who prepares.* The form is prepared in triplicate by the designated clerk at the airport mail facility or by the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and two copies of Form 2713 for each trip to which FCM is dispatched as follows:

(*a*) Complete origin code block and first line across top of form. In the "Mail Ready" space, enter the time at which the FCM and forms are ready for delivery to the air carrier. (The departure time must be entered subsequently on AMF files copy on basis of information received from air carrier.)

(*b*) Head columns on form, from left to right in station order served by trip, with three-letter alpha code for destination to which FCM is dispatched.

(*c*) Provide separate column for listing FCM for dispatch to destination not served by trip of dispatch, and requiring

"intraline" transfer to another trip of the same carrier (interline transfers by local service air carriers are NOT authorized), adjacent to column in which local FCM for the transfer point is recorded. Show (1) the actual or ultimate on-line destination of FCM, and (2) code of transfer point and trip being connected.

(d) Bulk list total pieces and total pounds of FCM due off at each stop point under appropriate destination column, cross add pieces and pounds, enter "Grand Total" in block at bottom of form and sign in space provided.

(ii) *Air stop post offices.* Preparation of Form 2713 is identical with procedures shown for airport mail facilities under subdivision (i) of this subparagraph.

(3) *Delivery to air carrier representative*—(i) *Airport mail facilities.* Designated AMF clerk will deliver all three copies of Form 2713, with carbon interleaved, with the related FCM to air carrier representative who will:

(a) Verify that total number of pieces agree with total shown on form.

(b) Have AMF clerk appropriately correct all copies of form when a discrepancy is discovered between actual FCM count and number of pieces shown on Form 2713.

(c) Sign all copies of form, showing initials of carrier, and hand duplicate copy to AMF clerk.

(ii) *Air stop post offices.* Dispatching clerk will give all three copies of Form 2713, with carbon interleaved, to the mail messenger or vehicle service driver with the related FCM for transportation to the airport. Require check to be made of total pieces of FCM against total listed on Form 2713. MM or VS driver, in turn, will deliver all copies of form with related FCM to air carrier representative at airport who will:

(a) Verify that total number of pieces agree with total shown on form.

(b) Correct all copies of Form 2713, in presence of MM or VS driver, when a discrepancy is discovered between actual FCM count and the number of pieces shown on Form 2713.

(c) Sign all copies of form, showing initials of carrier, and hand duplicate copy to MM or VS driver for return to the post office.

(4) *Voiding of Form 2713.* When none of the FCM tendered is transported, mark all copies of related Form 2713 "Void" and return to the dispatching postal unit with the FCM. The postal representative accepting the returned FCM must verify that all copies of the Form 2713 have been returned and properly voided. The original and second copy may then be destroyed.

(5) *Disposition of copies.* AMF or PO clerk designated will file duplicate copies of all Forms 2713, including those voided, by carrier in trip and date order. Forward all copies weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d)(3)). Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(e) *Form 2715–B, record of FCM transferred or irregularly off-loaded*—(1) *Use.* Form 2715–B serves as a report of irregular transfers of FCM between trunkline and/or cargo air carriers at point of origin as well as at intermediate points short of destination. The form also serves as an irregularity report to be submitted by a local service air carrier where service is not provided to the destination shown on the dispatch record and pouch label. It is an accounting document for service not performed. It is also to be used in connection with dispatches over interchange trips, where authorized, to provide a settlement document for the subsequent carrier(s).

(2) *Who prepares.* The delivering air carrier prepares the form, in quadruplicate, except for dispatches over authorized interchange trips the dispatching postal unit will prepare Form 2715–B.

(3) *At origin point of FCM.* Form 2715–B is used by a carrier to record the transfer of FCM which it is unable to transport within four hours after receipt from the postal unit at the initial or origin point. (See § 96.47(a)(3).) The following procedures will be observed:

(i) The delivering air carrier will present all four copies of the form, with carbon interleaved, to the receiving carrier with the related FCM and obtain the signature of the representative of the receiving carrier. After signature has been secured, the delivering carrier will hand the original form to the receiving carrier, forward the first and second copies to the local AMF or post office and retain the third copy. The delivering carrier will enter the number of pieces and pounds shown on Form 2715–B in the space provided on the right hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c)(2)(iv) of this section. Related Forms 2715–B and 2715–X should be sent together to the accounting office of the carrier.

(ii) The receiving air carrier will enter pieces and pounds shown on Form 2715–B in the space provided on the left hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c)(2)(iii) of this section. Related Forms 2715–B and 2715–X should be sent together to the accounting office of the carrier.

(iii) The designated AMF or post office clerk will verify that proper entries have been made on Forms 2715–X by the carriers involved, staple the first copy of Form 2715–B to the PO copy of the receiving carrier's related Form 2715–X and staple the second copy to the PO copy of the delivering carrier's related Form 2715–X for transmittal to the appropriate paying regional controller. See paragraph (c)(4) of this section.

(4) *At intermediate transfer points.* (i) When FCM is off-loaded at a point short of billed destination, the postal unit at that point must be contacted for instructions as to disposition. On the basis of available schedules and space, and the needs of the postal service, the air carrier will be directed to:

(a) Hold for subsequent trip of same carrier. No Form 2715–B is required in such cases.

(b) Transfer FCM to another carrier who has available space to destination on an advantageous schedule. See § 96.47(a)(4)(ii).

(c) Deliver FCM to local postal unit for onward air or surface transportation to destination. When FCM is returned to the custody of the postal service at an intermediate point, onward air transportation can be accorded only when the intermediate point has existing authority to dispatch FCM by air to the intended destination.

(ii) When FCM is being transferred to another carrier or delivered to the local postal unit, the delivering carrier will present all four copies of Form 2715–B, with carbon interleaved, to air carrier or postal unit, respectively, with the related FCM and obtain signature to acknowledge receipt. The delivering carrier will then hand the original to the receiving carrier or the postal unit, forward the first and second copies to the local postal unit, and retain the third copy. Air carriers involved in such transfers must refer their respective copies to their accounting offices for necessary billing adjustments.

(iii) The postal unit will distribute copies as follows:

(a) Original, when received with related FCM, to paying regional controller for the delivering carrier along with first copy.

(b) First copy to paying regional controller for the delivering carrier.

(c) Second copy, "when transfer of FCM is made to another carrier", to paying regional controller for the receiving carrier.

(d) Second copy, when FCM is deliver to postal unit, to distribution and traffic manager with Form 2759 irregularity report which is to be prepared and submitted as notification of the interrupted service.

(5) *For interchange trips.* (i) Interchange trips are those which provide through service on the same aircraft operated by two or more carriers between the origin and final destination of the trip. When FCM is dispatched over authorized interchange trips, the "dispatching postal unit" will prepare Form 2715–B in "triplicate" to provide a settlement document for the second carrier.

(ii) The following information must be shown on each set of Forms 2715–B:

(a) "Transfer Point" block: Alpha code of point where operation by first carrier terminates.

(b) "From (Route & Trip)" block: Designation of carrier accepting mail from postal unit.

(c) "To (Route & Trip)" block: Designation of carrier to whom FCM is due to be delivered.

(d) "To" column: Alpha code of next connection point.

(e) Under "Explanation:" Endorse prominently: "Interchange—First Class Mail by Air".

(iii) If a third carrier is involved, a separate Form 2715–B must be prepared to cover the second transfer.

(iv) Forms 2715–B, used for interchange trips, will be clearly marked "Interchange Trip" since no terminal charge is due to be paid at the interchange point.

(v) The preparing postal unit will distribute copies as follows:

(*a*) Original to local regional controller for transmittal to accounting office of second carrier.

(*b*) First copy to local regional controller for transmittal to paying regional controller for second carrier.

(*c*) Second copy to be retained in postal unit file.

Similarly, send original and first copy of Form 2715–B to cover a second transfer to the local regional controller for transmittal to carrier accounting and paying regional controller for third carrier. Retain second copy in postal unit files.

(6) *For reporting air carrier FCM irregularities.* The lower portion of Form 2715–B must be appropriately completed by the preparing carrier to explain the circumstances which required the irregular transfer or off-loading. See subparagraph (4) (ii) and (iii) of this paragraph for particulars as to completion of the balance of the form and distribution of copies.

(f) *Form 2753, Receipt To Airline*—(1) *Use.* Form 2753 is a receipt to air carriers for both airmail and FCM delivered to postal units other than airport mail facilities. The total pieces of airmail and FCM must be listed "separately" in the spaces provided on the form.

(2) *Who prepares.* See § 96.23 for full particulars as to preparation and handling of Forms 2753.

(g) *Form 2753–A, Mail Delievery Receipt*—(1) *Use.* Form 2753–A is a receipt to air carriers for both airmail and FCM delivered to airport mail facilities. When conditions warrant, distribution and traffic managers may authorize air stop post offices to use Form 2753–A instead of Form 2753. The total pieces of airmail and FCM must be listed separately in the spaces provided on the form.

(2) *Who prepares.* See § 96.24 for full particulars as to preparation and handling of Form 2753–A.

§ 96.49 Reporting and processing FCM irregularities.

(a) *Form 2759, Report Of Irregular Handling Of Airmail*—(1) *Use.* Form 2759 is used by postal employes to report air carrier irregularities in the handling of FCM. Since this form is also used to report airmail irregularities, check box "1st Class by Air" to assure proper evaluation of the report.

(2) *Who prepares.* Postal clerk who first handles FCM which obviously has been mishandled by an air carrier is required to prepare Form 2759 report. The precarbonized form in quadruplicate contains printed instructions showing distribution of original and first copy to the local distribution and traffic manager, second copy to representative of airline involved, third copy for retention in files of the postal unit.

(3) *FCM irregularities requiring close attention.* (i) Refusals: Removals of FCM are not subject to the preparation of briefs and the imposition of fines under the space available provisions of Order E–17255. However, remedial action may be required. Submit report on Form 2759 with full particulars to enable the distribution and traffic manager to take such corrective action as may be necessary in situations where repetitive occurrences involving refusals and removals impair the service accorded FCM. See § 96.48(e) (4) (iii) (*d*) concerning situations involving Form 2715–B transfers requiring report on Form 2759.

(ii) Delayed delivery of FCM will be reported when more than one hour from time of arrival of trip elapses before delivery to AMF, MM, or VS driver. At non-AMF points, the post office clerk receiving the delayed FCM from the MM or VS driver is responsible for preparing Form 2759 under such circumstances.

(iii) Damage to FCM and equipment is a finable irregularity since air carriers are responsible for according FCM the same care and safeguards as is given regular airmail. See § 96.47(a) (6). Furnish full particulars as to pieces damaged, and extent, and pieces actually wet because of exposure to the elements.

(b) *Instances where fines can be levied*—(1) *Authorization for finding.* The Civil Aeronautics Board order establishing a rate for transportation of first class mail by air prescribes that "no air carrier shall be subject to penalties (fines) with respect to the carriage of such mail except to cover serious cases of failure to protect mail from damage and depredation or repetitive instances of neglect resulting in substantial delay. Inability to accommodate such mail on a specific flight or flights shall not be construed as neglect."

(2) *Processing of finable FCM cases.* Reports of (i) damage to mail or equipment, including repetitive instances occurring at the same air-port, (ii) failure to protect FCM from depredation, and (iii) instances of neglect resulting in substantial delay, are to be forwarded to the Director, Air Transportation, for appropriate disposition.

§ 96.50 Supply of forms.

(a) *Provided by the Department.* The following forms are available at Regional supply centers: 2713, 2713–X, 2715–X, 2753, 2753–A, 2759. Air carriers will obtain necessary requirements of Forms 2715–X and 2753 by quarterly letter requests to the distribution and traffic manager located nearest to the carrier's headquarters office. The D&TM will indicate approval of the requisition by endorsing the letter and forwarding to the appropriate supply center. Shipment of the forms will be made directly to the air carrier.

(b) *Provided by the air carriers.* Form 2715–B, in the format prescribed by the Post Office Department, is provided by the air carriers.

SUBCHAPTER I—SPECIAL REGULATIONS

PART 98—VENDING STANDS AND VENDING MACHINES

Sec.
98.1 Authorization.
98.2 Installation, maintenance, and operation.
98.3 Modification, relocation, or removal.
98.4 Articles to be sold or vended.
98.5 Survey of vending stand opportunities.

AUTHORITY: §§ 98.1 to 98.5 issued under R.S. 161, as amended, sec. 1, 49 Stat. 1559, as amended; 5 U.S.C. 22, 20 U.S.C. 107–107f, 39 U.S.C. 501.

§ 98.1 Authorizations.

(a) *To certified blind persons.* Blind persons, when available and duly certified by a State licensing agency, designated by the Department of Health, Education, and Welfare, shall be authorized and have preference in the installation and operation of vending stands on property operated, maintained, and protected by the Post Office Department, provided that in the judgment of the Post Office Department the installation and operation of the stands are considered practicable and will not unduly inconvenience the Post Office Department or adversely affect the interests of the United States.

(b) *Preparation and submission of applications.* Applications for installation and operation of vending stands, including vending machines, to be operated by licensed blind persons, shall be submitted by the State licensing agency in quadruplicate on the form provided by the Department of Health, Education, and Welfare to the postal official in charge of the building involved for his recommendation for approval or disapproval. If the official in charge approves the installation, he shall sign all four copies on the line designated "Officer in charge of building" and transmit all copies to the regional real estate manager for the region in which the building is located for review. If an application by a State licensing agency for a permit to establish a vending stand under the Randolph-Sheppard Vending Stand Act is not approved by the official in charge, the transmittal shall include the reasons for the disapproval. Applications submitted by postal officials will be reviewed by the regional real estate manager, and, if approved by him, he will sign all four copies of the form on the line designated "Official of United States Department having jurisdiction over building." One copy will be retained by the regional real estate manager, and three copies, indicating the action taken, will be returned to the official concerned. The latter shall retain one copy in his files and transmit the others to the State licensing agency making the application.

(c) *Approval of equipment plans.* The equipment shall be designed, arranged, and installed in a manner which will facilitate sanitary operation. Plans of proposed vending stand equipment shall be submitted by the State licensing agency to the official in charge of the postal installation for approval prior to installation.

§ 98.2 Installation, maintenance, and operation.

(a) *Installation and maintenance.* The installation, maintenance, repair, replacement, servicing, or removal of vending stand equipment or vending machines shall be without expense to the Post Office Department except that the cost of utilities required to operate vending stands and vending machines will be

borne by the Post Office Department. Additional wiring, electrical, or plumbing connections required to connect the vending stand equipment to the building outlets must be installed without expense to the Post Office Department; and, in Government-owned buildings, must be approved by the Public Buildings Service, General Services Administration, before the work is undertaken.

(b) *Operation*—(1) *Sanitation standards.* Vending stands shall be operated in compliance with local health and sanitation standards and codes.

(2) *Cleaning and janitor service.* The operator shall arrange for cleaning and janitor service sufficient to maintain vending areas at stands and machines in a clean and orderly condition.

(3) *Violations.* The authorization for the establishment of a vending stand, together with the regulations and policies established by the Post Office Department and State licensing agency, shall govern the operation of each vending stand. Ordinarily, day-by-day matters concerning the operation of the stand can best be resolved on a local basis with the blind operator.. Officials in charge should not confer with attorneys or others claiming to represent the blind operators. Violations of the regulations or policy, and other unresolved relevant matters, must be reported to the State licensing agency. If appropriate corrective action is not taken, the installation head shall notify the regional real estate manager who will resolve the matter or submit it to the Department with all facts in the case so that it can in turn be resolved by the Department with the Department of Health, Education, and Welfare. If the matter concerns vending machines operated by postal employee committees, or otherwise concerns postal employees, the regional real estate manager will coordinate with the regional personnel manager in resolving the issues.

§ 98.3 Modification, relocation, or removal.

The Post Office Department reserves the right to require State licensing agencies to arrange for the modifications, removal, or relocation of vending stands established under the Randolph-Sheppard Vending Stand Act (20 U.S.C. 107–107f) when necessary because of changes in building operations or space requirements.

§ 98.4 Articles to be sold or vended.

(a) *Approved articles.* The vending of the following articles at vending stands operated by licensed blind persons is approved: Newspapers, periodicals, confections, tobacco products, articles in individual containers or wrappers in which they are placed before receipt by the vending stand operator, and such other suitable articles as may be approved for each location by the postal officials in charge and the State licensing agency. These articles may be vended through vending machines also, as adjuncts to vending stands or in other areas of the building where considered practicable by the Post Office Department.

(b) *Objectionable publications.* The licensed vending stand operators and the State licensing agencies shall use diligence and good judgment and cooperate with postal authorities in preventing the keeping on the premises, for disposal to the public by sale or otherwise, of any so-called comic books or any other printed or written matter of an objectionable, subversive, or controversial nature which may subject the Post Office Department to public criticism. Violations of this section shall be reported to the Assistant Postmaster General, Bureau of Operations, Classification and Special Services Division, with a copy of the objectionable matter.

§ 98.5 Survey of vending stand opportunities.

Postal officials shall cooperate with State licensing agencies in making surveys of vending stand opportunities for blind persons on properties under their control and in selecting locations, or relocations, for such stands and the types of stands to be provided.

Subchapter U—Procedures

SUBCHAPTER U—PROCEDURES

PART 201—PROCEDURES OF THE POST OFFICE DEPARTMENT

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Subpart N—Rule Making Procedures of the Post Office Department

201.200 Rule making

Subpart A—Rules of Practice in Proceedings Relative to Fraud and Obscenity Orders Under 39 U.S.C. 4003, 4005, and 4006

AUTHORITY: §§ 201.1 to 201.31 issued under R.S. 161, as amended; 74 Stat. 554; 5 U.S.C. 22, 39 U.S.C. 309, 501, 4003, 4005, 4006, 4007.

§ 201.1 Scope of rules.

The rules of practice in this subpart shall be applicable in all proceedings before the Post Office Department initiated under 39 U.S.C. sections 4003, 4005, 4006, including such cases instituted under prior rules of practice unless timely shown to be prejudicial to the respondent.

§ 201.2 Informal dispositions.

The rules in this subpart do not preclude the disposition of any matter by agreement between the parties either before or after the filing of a complaint when time, the nature of the proceeding, and the public interest permit.

§ 201.3 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D C. and are open Monday through Friday from 8:45 a.m. to 5:15 p.m.

§ 201.4 Complaints.

When the General Counsel of the Post Office Department or his designated representative believes that a person (1 U.S.C. sec. 1) is using the mails in a manner requiring formal administrative action under 39 U.S.C. 4005, 4006, he shall prepare and file with the Docket Clerk a complaint which names the person involved; states the legal authority and jurisdiction under which the proceeding is initiated; states the facts in a manner sufficient to enable the person named therein to make answer thereto; and recommends the issuance of an appropriate order. The person so named in the complaint shall be known as the respondent.

§ 201.5 Interim impounding.

Upon a petition of the General Counsel or his designated representative, the Judicial Officer (§ 201.25) may impound mail pursuant to the authority of 39 U.S.C. 4003 and 4007.

§ 201.6 Notice of hearing.

When a complaint is filed the Docket Clerk shall issue a notice of hearing stating the time and place of the hearing and the date for filing an answer which shall not exceed 15 days from the service of the complaint, and a reference to the effect of failure to file an answer or appear at the hearing. (§§ 201.9 and 201.10.) Whenever practicable, the hearing date shall be within 30 days of the date of the notice.

§ 201.7 Service.

(a) The Docket Clerk shall cause a duplicate original of the notice of hearing and a copy of the complaint tc be transmitted to the postmaster at any office of address of the respondent or to the inspector in charge of any division in which the respondent is doing business, which shall be delivered to the respondent or his agent by said postmaster or a supervisory employee of his post office or a postal inspector. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent and forwarded to the Docket Clerk, Room 3350, Post Office Department, Washington 25, D.C., to become a part of the official record.

(b) In the event no person can be found to accept service of the notice of hearing and complaint pursuant to paragraph (a) of this section, the notice may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing shall be forwarded to the Docket Clerk and constitute evidence of service.

§ 201.8 Filing documents for the record.

(a) The parties shall file with the Docket Clerk all pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be delivered promptly to the presiding officer and parties to the proceeding.

(b) The parties shall submit four copies of all documents unless otherwise ordered by the presiding officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the docket number and title of the proceeding. Any pleading or other document required by order of the presiding officer to be filed by a specified date shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 201.9 Answer.

(a) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the complaint.

(b) Any facts alleged in the complaint which are not denied or are expressly admitted in the answer may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(c) The answer shall be signed personally by an individual respondent, or in the case of a partnership by one of the partners, or, in the case of a corporation or association, by an officer thereof.

(d) The answer shall set forth the respondent's address and the name and address of his attorney.

(e) If the respondent does not desire to appear at the hearing in person or by counsel he may request that the matter be submitted for determination pursuant to paragraph (b) of § 201.10.

§ 201.10 Default.

(a) If the respondent fails to file an answer within the time specified in the notice of hearing, he shall be deemed in default, and to have waived hearing and further procedural steps. The Judicial Officer shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the presiding officer shall receive complainant's evidence and render an initial decision.

§ 201.11 Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Docket Clerk, thereafter with the presiding officer.

(b) By consent of the parties a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the complaint, permission shall be freely given when the amendment will facilitate the determination of an issue in controversy.

(c) When issues not raised by the pleadings but reasonably within the scope of the proceedings initiated by the complaint are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence and to raise such issues shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the presiding officer that an amendment of the pleadings would prejudice him on the merits, the presiding officer may allow the pleadings to be amended and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The presiding officer may, upon reasonable notice and upon such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 201.12 Continuances and extensions.

Continuances and extensions will not be granted by the presiding officer except for good cause shown. Exceptional cause must be shown before an additional continuance or extension will be granted.

§ 201.13 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 201.14 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 201.15 Appearances.

(a) A respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Department in accordance with §§ 202.1 through 202.6 of this chapter.

(c) When a respondent is represented by an attorney, all pleadings and other papers subsequent to the complaint shall be mailed to the attorney.

(d) A respondent must promptly file a notice of change of attorney.

§ 201.16 Presiding officers.

(a) The presiding officer at any hearing shall be a hearing examiner qualified pursuant to the Administrative Procedure Act (5 U.S.C. § 1010). The Docket Clerk shall assign cases to hearing examiners so far as practical upon rotation.

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;
(2) Examine witnesses;
(3) Rule upon offers of proof, admissibility of evidence and matters of procedure;
(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;
(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;
(6) Require the filing of briefs or memoranda of law on any matter upon which he is required to rule;
(7) Order pre-hearing conferences for the settlement or simplification of issues by consent of the parties;
(8) Order the proceeding re-opened at any time prior to his decision for the receipt of additional evidence;
(9) Render an initial decision, which becomes the final departmental decision unless a timely appeal is taken.

§ 201.17 Evidence.

(a) Except as otherwise provided in the rules of this subpart, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern. However, such rules may be relaxed to the extent that the presiding officer deems proper to insure a fair hearing. The presiding officer shall exclude irrelevant, immaterial or repetitious evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received in evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) Authoritative writings of the medical or other sciences, may be admitted in evidence but only through the testimony of expert witnesses or by stipulation.

(f) Lay testimonials will not be received in evidence as proof of the efficacy or quality of any product or thing sold through the mails.

(g) The written statement of a competent witness may be received in evidence provided that such statement is relevant to the issues, that the witness shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(h) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the presiding officer are unnecesary.

§ 201.18 Subpoenas.

The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses.

§ 201.19 Witness fees.

The Post Office Department does not pay fees and expenses for respondent's witnesses or for depositions requested by respondent.

§ 201.20 Depositions.

(a) Not later than five days after the filing of respondent's answer, any party may file application with the Docket Clerk for the taking of testimony by deposition. In support of such application the applicant shall submit under oath or affirmation a statement setting out the reasons why such testimony should be taken by deposition, the time and the place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order for the taking of the deposition will specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken and any other necessary information.

(c) Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions and answers together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. The deposition officer shall put the witness on oath. All objections made at the time of the examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of the parties and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing any part or all of the deposition may be offered in evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received in evidence, it shall not be considered as a part of the record in the proceeding. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy of the deposition for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States or within a territory or insular possession, subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of a deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the officer shall be present at the examination of the witness, which fact shall be certified by the officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and reduce the testimony to writing in the witness' own words.

§ 201.21 Transcript.

(a) Hearings shall be stenographically reported by a contract reporter of the Post Office Department under the supervision of the assigned presiding officer. No oral argument upon any matter shall be included in the transcript unless ordered by the presiding officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties to the proceeding by the reporter at rates not to exceed the maximum rates fixed by contract between the Post Office Department and the reporter. Copies of parts of the official record other than the transcript may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, he may file a motion requesting correction of the transcript. Opposing counsel shall notify the presiding officer in writing of his concurrence or disagreement with the requested corrections. Thereafter, the presiding officer shall by order specify the corrections to be made in the transcript. The presiding officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the hearing examiner other than by agreement of the parties shall be subject to objection and exception.

§ 201.22 Proposed findings and conclusions.

(a) Each party to a proceeding, except one who fails to answer the complaint or having answered, either fails to

appear at the hearing or indicates in the answer that he does not desire to appear, may, unless at the discretion of the presiding officer such is not appropriate, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form in the discretion of the presiding officer. The presiding officer may also require parties to any proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. Unless given orally the date set for filing of proposed findings of fact and conclusions of law shall be within 15 days after the delivery of the official transcript to the Docket Clerk who shall notify both parties of the date of its receipt. The filing date for proposed findings shall be the same for both parties. If not submitted by such date, or unless extension of time for the filing thereof is granted, they will not be included in the record or given consideration.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in serially numbered paragraphs and shall state with particularity all evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion shall be separately stated.

§ 201.23 Initial decision.

(a) The hearing examiner may render an oral initial decision at the close of the hearing when the nature of the case and the public interest warrant. A party who desires an oral initial decision shall notify the hearing examiner and the opposing party at least 5 days prior to the date set for hearing. Either party may submit proposed findings either orally or in writing at the conclusion of the hearing.

(b) If an oral initial decision is not rendered, a written initial decision shall be rendered at the earliest possible date. The initial decision shall become the final departmental decision unless an appeal is perfected according to the provisions of § 201.24.

(c) The initial decision of the hearing examiner shall include findings and conclusions with the reasons therefor upon all the material issues of fact or law presented on the record, and the appropriate order or denial thereof.

§ 201.24 Appeal from initial decision.

(a) A party in a proceeding, except one who failed to file an answer, may appeal to the Judicial Officer by filing exceptions in a brief on appeal within 15 days from the receipt of the examiner's initial decision.

(b) If an initial decision is rendered orally by the hearing examiner at the close of the hearing, he may then orally give notice to the parties participating in the hearing of the time limit within which an appeal must be filed. Such time limit shall not exceed 15 days from the date of the receipt of the transcript by the parties.

(c) Upon receipt of the appeal brief the Docket Clerk shall promptly transmit the record of the proceedings to the Judicial Officer. The date for the filing of the reply brief is ten days after receipt of the appeal brief. No additional briefs shall be received unless requested by the Judicial Officer.

(d) Briefs upon appeal shall be filed in triplicate with the Docket Clerk and contain the following matter in the order indicated:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited with page references.

(2) A concise abstract or statement of the case.

(3) Numbered exceptions to specific findings and conclusions of fact or conclusions of law of the presiding officer.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

(e) Unless permission is granted by the Judicial Officer no brief shall exceed fifty printed or one hundred typewritten pages double spaced.

(f) The Judicial Officer will extend the time to file briefs only upon written application for good cause shown. The Docket Clerk shall promptly notify the applicant of the decision of the Judicial Officer on the application. If the appeal brief is not filed within the time prescribed, the defaulting party will be deemed to have abandoned the appeal, and the initial decision shall become the final departmental decision.

§ 201.25 Judicial officer.

The Judicial Officer is authorized to render the final departmental decision upon appeal and to issue departmental orders for the Postmaster General. He will consider the entire record including the initial decision and the exceptions to that decision. Before he renders a final departmental decision, he may order the hearing reopened for the hearing examiner to take additional evidence. Upon the perfection of an appeal the Judicial Officer shall render the departmental decision or refer the matter to the Postmaster General or the Deputy Postmaster General for decision.

§ 201.26 Orders.

If an order is issued which prohibits delivery of mail to a respondent it shall be incorporated in the record of the proceeding. The Docket Clerk shall cause the order to be published in the Postal Bulletin and transmitted to such postmasters and other officers and employees of the postal service as may be required to place the order into effect.

§ 201.27 Modification or revocation of orders.

A party against whom an order has been issued may file an application for modification or revocation with the Docket Clerk. The General Counsel shall make written reply to the application and a copy shall be delivered to the applicant by the Docket Clerk. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

§ 201.28 Supplemental orders.

When the General Counsel or his designated representative shall have reason to believe that a person is evading or attempting to evade the provisions of any such order by conducting a similar enterprise under a different name or at a different address he may file a petition with accompanying evidence setting forth the alleged evasion or attempted evasion and requesting the issuance of a supplemental order against the name or names allegedly used. Notice shall then be given by the Docket Clerk to the person that the order has been requested and that an answer may be filed within ten days of the notice. The Judicial Officer shall thereafter render a decision granting or denying the supplemental order.

§ 201.29 Computation of time.

A designated period of time under the rules in this subpart excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday or legal holiday, in which event the period runs until the close of business on the next business day.

§ 201.30 Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceeding shall constitute the official record of the proceeding.

§ 201.31 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all initial and departmental decisions. The Docket Clerk maintains a complete official record of every proceeding.

Subpart B [Reserved]

Subpart C—Rules of Practice in Proceedings To Revoke Orders Changing the Mode of Transportation of Periodical Mail of the Second-Class

§ 201.50 Rules of practice governing proceedings before the Post Office Department to revoke orders changing the mode of transportation of periodical mail of the second class.

(a) *Proceedings governed.* This section shall govern all proceedings under 39 U.S.C. 6212, relating to the revocation of orders of the Post Office Department changing the mode of transportation of periodical mail.

(b) *How instituted.* Whenever the owner of any publication entered as second class matter believes that a Post Office Department order requiring the transportation of his publication by freight constitutes unjust discrimination he may petition the Assistant Postmaster General, Bureau of Transportation, for revocation of said order.

(c) *Contents of petition.* The petition shall state the statute and portions of the regulations of the Post Office Department involved; shall identify the order sought to be revoked; and shall contain a concise statement of the manner in which the said order is alleged to constitute unjust discrimination. All

petitions shall be signed by the petitioner or his attorney. If the petitioner is a corporation, association or partnership the petition shall be signed by a bona fide officer thereof or by one or more partners. All petitions shall show the office and post office address of the petitioner. All petitions shall be verified. Petitions may be accompanied by supporting affidavits or other documentary evidence.

(d) *Filing.* The original and two copies of the petition shall be filed with the Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D. C.

(e) *Amendment.* The petition may be amended or supplemented at any time prior to the hearing.

(f) *Designation of Trial Examiners.* All hearings shall be held before one or more trial examiners designated by the Postmaster General to preside at administrative proceedings before the Post Office Department.

(g) *Authority of Trial Examiners; powers.* The Trial Examiners are charged with the duty of conducting a fair, impartial, expeditious and orderly hearing to the end that petitioners shall have a full and fair hearing. Trial Examiners shall have the authority to rule upon offers of proof; to receive oral or documentary evidence; to regulate the course of the hearing and the conduct of participants; to grant continuances after commencement of the hearing; dispose of procedural motions; hold prehearing conferences for the settlement or simplification of the issues by consent of the parties; require oral argument or briefs upon any question at the close of the hearing; and make recommended decisions to the Assistant Postmaster General, Bureau of Transportation. The Trial Examiners shall have no power to decide any matter which involves a final determination of the merits of the proceeding.

(h) *Place of hearing.* In setting the place for the hearing due regard will be given to the convenience and necessity of all parties.

(i) *Preliminary review of petition.* Upon receipt of the petition the Assistant Postmaster General, Bureau of Transportation, shall, when time, the nature of the proceeding and public interest permit, examine the same and determine whether the relief requested can be granted upon the basis of the matter submitted.

(j) *Responsive pleadings.* If the petition cannot be granted as provided in paragraph (i) of this section the Assistant Postmaster General, Bureau of Transportation, shall serve a copy thereof upon the General Counsel of the Post Office Department, the Trial Examiners and any person or concern directly interested in the proceedings. He shall also notify the interested parties that they may intervene, if they see fit, by filing a responsive pleading within the time limit designated. The General Counsel of the Post Office Department shall also be required to file a responsive pleading. Responsive pleadings shall clearly show the controverted issues of fact or law.

(k) *Date and time of hearing.* After the time for filing responsive pleadings has expired the Assistant Postmaster General, Bureau of Transportation, shall set a time and place for the hearing.

(l) *Continuances prior to commencement of hearing.* Continuances of the hearing will be granted only in unusual or extraordinary circumstances. All requests for continuances prior to the commencement of the hearing shall be in writing and directed to the Assistant Postmaster General, Bureau of Transportation. The request shall contain a concise statement of the basis for the continuance.

(m) *Prehearing conferences.* In any proceeding assigned for hearing the Trial Examiners or either party may request a prehearing conference for the settlement or simplification of the issues by consent of the parties. No transcript of such conference shall be made but the Trial Examiners shall prepare and file for the record a written summary of the action taken at the conference which shall incorporate any written stipulations or agreements made by the parties at the conference or as a result of the conference.

(n) *Order of procedure.* The Petitioner shall have the burden of proof and shall have the right to open and close.

(o) *Witnesses.* All witnesses shall be duly sworn and shall be subject to cross-examination.

(p) *Evidence.* Competent, material and relevant oral or documentary evidence may be offered and received. Documentary evidence must be properly identified or authenticated. Three copies of all documentary exhibits must be supplied for the record.

(q) *Objections.* If any party objects to the admission or rejection of any evidence, or to the limitation of the scope of direct or cross-examination, he shall state briefly the grounds for such objection. Exceptions to all adverse rulings are automatic. The objection, grounds and ruling thereon shall become a part of the record. Oral argument thereon shall be omitted from the record.

(r) *Subpoenas.* The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses.

(s) *Oral argument.* At the conclusion of the testimony the parties shall have the right to argue the issues orally before the Trial Examiner, within such limits as to time and subject matter as may be prescribed by him. Oral arguments shall become a part of the record of the case. The petitioner shall have the right to open and close.

(t) *Transcript of proceedings.* The hearing shall be reported and transcribed by the reporting system made available by the Post Office Department. Said transcript together with all preliminary papers filed in the case and exhibits received in evidence and those identified and offered but excluded and which are necessary to complete the record of the proceeding and all briefs, proposed findings of fact and conclusions of law; the Trial Examiner's findings, report and recommended decision, shall be included in the official record of the proceeding and shall become a part of the files of the Post Office Department. A copy thereof shall be loaned to each party for use in preparing briefs and must be returned to the Department with the brief.

(u) *Briefs.* Within such time limit as the Trial Examiner shall specify and prior to any recommended decision each party may file a brief and proposed findings of fact and conclusions of law. If it shall be deemed necessary the Trial Examiner may require the attorney for the Department to brief his side of the case.

(v) *Trial Examiner's report.* Upon the basis of the entire record as hereinabove defined the Trial Examiner shall promptly prepare a report which shall include his recommended decision and his rulings upon each proposed finding of fact and conclusion of law with the reasons or basis for such ruling, and transmit it to the Assistant Postmaster General, Bureau of Transportation, together with the transcript of proceedings. Such report will be advisory only and not binding upon the Assistant Postmaster General, Bureau of Transportation.

(w) *Decision.* Upon the basis of the transcript of proceedings, the Assistant Postmaster General, Bureau of Transportation, shall revoke the order in question or deny the petition. No oral argument before the Assistant Postmaster General, Bureau of Transportation will be allowed.

(x) *Administrative appeals.* Section 6212 of Title 39 U.S. Code provides for direct appeal to the United States Court of Appeals for the District of Columbia within twenty days of any final decision adverse to the petitioner. Rehearings or administrative appeals to the Post Office Department are neither allowed nor necessary.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 6212)

Subpart D—Rules of Procedure Relating to Fines, Deductions, and Damages

AUTHORITY: §§ 201.60 and 201.61 issued under R.S. 161, as amended, sec. 901, 72 Stat. 783; 5 U.S.C. 22, 39 U.S.C. 309, 501, 6203, 6207, 6208, 6304, 6434, 6435, 49 U.S.C. 1471.

§ 201.60 Fines, deductions, and damages.

(a) *Fines.* Where evidence is found or reported against:

(1) Rail and noncontractual steamship and air carriers for unjustified failure to discharge their responsibilities in violation of the applicable provisions of Title 39, or Title 49, U.S. Code, or of the Rules, Regulations and Orders of the Postmaster General issued under those statutory provisions, or for other irregularities or delinquencies;

(2) Mail contractors for failure to observe the contract terms or failure to perform full service, or for other irregularities or delinquencies;

such carriers and contractors, after investigation, are given notice of the irregularity or delinquency, in writing, by an official representative of the Postal Service. They are given reasonable opportunity to answer the charges and explain the alleged irregularity or delinquency. The facts are briefed, and a full report and recommendations are for-

warded together with the answer: (i) In the case of steamship carriers performing non-contract services directly to the Bureau of Transportation; (ii) in all other cases, to the Distribution and Traffic Manager who examines and reviews the charges in order to determine the responsibility of the carrier or contractor involved and, if the facts warrant, imposes fine or deduction computed in accordance with statutory, regulatory, or contractual provisions. The Distribution and Traffic Manager may charge directly, in the first instance, the contractor or carrier, in which case the answer shall be filed with the Distribution and Traffic Manager.

NOTE: Postal Field Officials use Form 5178, *Notification of Irregularity in Service-Delay-Damage to Parcel Post Mail.* (For Surface Carriers), and Form 2759, *Report of Irregular Handling of Air Mail.* (For Air Carriers.)

(b) *Deductions.* The same procedure as in paragraph (a) of this section is followed in making deductions for failure to perform service as required except that the Distribution and Traffic Manager is authorized, upon an evaluation of the evidence, to waive omissions of service or make deductions therefor in payments made to mail contractors.

NOTE: Postal Field Officials use Form 5440C-D-E, *Contract Route Service Order,* to notify star route contractors of deductions ordered, and the remission of previous deductions is ordered on the basis or in view of the facts.

(c) *Damages.* Damage cases are investigated in the same manner as fine cases. Where it is found, after investigation, that the Government has suffered a loss through the payment of indemnity or otherwise as a result of damage to or loss of mails, such loss may be taken into consideration in determining the amount of the fine. The Distribution and Traffic Manager determines if a fine should be imposed for damage to or loss of mail.

§ 201.61 Appeal.

(a) Rail and noncontractual air carriers may take an appeal from a decision of the Distribution and Traffic Manager to the Bureau of Transportation within 6 months from the date of imposition of the fine or deduction. The Bureau's decision is final with respect to all cases under its jurisdiction.

(b) Mail contractors including air and steamship carriers performing contract services and only when discharging contractual obligations may take an appeal from the findings of fact or decision of the Distribution and Traffic Manager to the Board of Contract Appeals. The rules of procedure for appeal of the contractor are covered by Subpart L, Rules of Procedure for the Board of Contract Appeals, of this part.

Subpart E—Rules of Procedure to Obtain Permits To Manufacture Air-Letter Sheets

§ 201.65 Aerogrammes, (Air-letter sheets), permit to manufacture for sale.

Persons or firms proposing to manufacture aerogramme sheets for sale shall submit ten samples of the proposed aerogrammes to the Director, International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C., and receive approval before engaging in the production of such sheets for sale. See § 131.5 of this chapter.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 2502)

Subpart F—Rules of Procedure for a Bank To Become Depository for Postal Savings Funds

§ 201.70 How a bank may become a depository for postal-savings funds.

Funds received at postal-savings depository offices in each city, town, village, or other locality, shall be deposited in solvent banks located therein whether organized under national or State laws, being subject to national or State supervision and examination, willing to receive such deposits under the terms of the Postal Savings Act and the regulations made by authority thereof: *Provided,* That as between two or more banks in the same community, preference shall be given member banks of the Federal Deposit Insurance Corporation. The word "bank" as used in the law includes savings banks and trust companies doing a banking business. Any eligible bank desiring to qualify for deposits of postal-savings funds shall transmit to the Assistant Postmaster General, Bureau of Finance, Postal Savings Branch, Washington 25, D.C., an application on the prescribed form (PS 226a, "Application to Receive Deposit of Postal Savings Fund") which shall include a report of the bank's paid-in capital and unimpaired surplus exclusive of undivided profits as of the date of application, and such application and report shall be sworn to by the president or cashier and attested as correct by two members of the board of directors. Blank application forms and a copy of the regulations governing the deposit of postal-savings funds in banks and the acceptance of bonds as security therefor (Form PS 2) may be obtained from the Assistant Postmaster General, Bureau of Finance, Postal Savings Branch. A branch bank that has a definite capital and surplus formally set aside from that of the parent bank is deemed to be a local bank within the meaning of the law and is entitled to receive deposits on the basis of the capital and surplus thus separately assigned to it. (Form PS 2, Regulations Governing the Deposit of Postal Savings Funds in Banks and the Acceptance of Bonds as Security Therefor.)

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 5215, 5216, 5220)

Subpart G—Rules of Procedure Governing Approval of Mail Chutes and Receiving Boxes

§ 201.75 Mail chutes and receiving boxes.

(a) *Use.* (1) Mailing chutes and receiving boxes may be placed at the expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

(2) Mailing chutes and receiving boxes are intended for the reception or deposit of mail matter of the first class and must not be used for the deposit of mail of any other class.

(b) *Approval of installation.* (1) Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and specifications for any proposed chute and box. The postmaster has authority to approve, upon formal application, the installation of mailing chutes and receiving boxes conforming to these regulations. Collection will not be made from any chute box until approved by the postmaster, and no unapproved chute shall bear any sign indicating that it is under the protection of the United States Postal Service.

(2) The specifications must provide for a complete installation ready for collection service, with a tentative plan of the building showing the contemplated location of the whole of such chute and of the receiving box.

(3) If the postmaster approves the contract and specifications, he will endorse his approval upon the contract and return it to the applicant. In questionable cases, he will refer the file with full details to the Regional Director for review.

(c) *Specification for construction of chutes*—(1) *Size.* The chute must be approximately 2 by 8 inches in size and must extend in a continuously vertical line from the point of beginning to the receiving box.

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of heavy sheet or plate glass not less than three-sixteenths of an inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

(ii) Chutes must be securely mounted on steel angles, or other material approved by the Regional Director. The mounting must be plumb and flush the entire length of the chute. The chute must be so constructed that floor sections can be easily removed from floor thimbles.

(3) *Mail slots.* (i) The chute must be provided with openings (mail slots) on each floor for deposit of mail. Each opening must be 4¾ by ½ inches, with a second inside opening of the same size

2½ inches below the first, with serrate edges or other suitable device designed to prevent clogging. The legend U.S. Mail must be plainly inscribed on chutes at every mail opening.

(ii) At each slot opening, there must be attached a suitable dustproof glazed frame for printed cards, 4¾ by 9 inches, giving information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box, and calling attention to the penalties for tampering with mail equipment.

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked.

(5) *Location and arrangement.* (i) The chute must be so placed as to be conveniently accessible throughout the entire length. When more than 5 lineal feet of the mail chute will be concealed, removal panels must be provided in the concealing features to permit easy access to the chute for removal of blockades. The concealed equipment should be so manufactured and installed that it can be readily removed if necessary. In no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access, without prior approval of the Regional Director.

(ii) Mail chutes installed in pairs must be so constructed and erected that any part of either chute may be removed, leaving the other for service.

(iii) The chute must be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish, and all portions of its interior must be easily reached. Where panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided.

(d) *Specifications for construction of receiving boxes*—(1) *Dimensions.* The cubic contents of receiving boxes will be determined by the postmaster. The botton of the door of the box must not be less than 30 inches from the floor level of the building. The exterior of the bottom of the box must not be less than 20 inches from the floor level, and this space shall be entirely open and unobstructed and so arranged that the mail collector may place a satchel or other receptacle in convenient position under the bottom of the door when making collections.

(2) *Material.* Receiving boxes must be constructed of metal of sufficient weight and such character as to insure security and rigidity. Boxes must be provided with cushions, yielding bottoms, or deflecting devices which will effectively prevent damage to mail matter descending through the chute. If cushions are used, they shall be made of wool felt and covered with asbestos cloth. The bottom of the box must be provided with a suitable means of attaching and holding the carrier's satchel or other receptacle in position.

(3) *Door and floor.* Receiving boxes must be provided with doors opening to the right upon exposed side hinges secured with rivets. The door openings must be not less than 12 by 20 inches nor more than 18 by 30 inches. The floor of the interior of the box, or cushion if one is used, must be level with the threshold of the door. Four screw holes must be placed in the door, to fit letterbox arrow locks furnished by the postmaster.

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed Letters. Boxes must be distinctly marked U.S. Mail Letter Box and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size.

(5) *Location.* Every receiving box must be placed as near to a main entrance of the building as practicable. Receiving boxes must not be located more than 100 feet from a main entrance by the shortest line of travel. The location will be approved only when the postmaster, after careful examination of the tentative building plan, finds it impracticable because of structural conditions to place a receiving box closer to a main entrance. A receiving box may be placed on only the ground floor of a building.

(6) *Auxiliary box.* If the receiving box to be attached to the chute will not be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed close to the mail chute boxes. The cubic contents of the auxiliary receiving box or boxes will be determined by the postmaster and their construction must conform to the general specifications for the receiving boxes except deflecting devices are not required. The mail openings should be of sufficient size to permit the deposit of first-class mail tied in bundles and the mail opening or "pull-down" shall be inscribed Letters and Letter Mail Tied in Bundles.

(7) *Metal compartments.* If, due to structural conditions, it is not practicable to install auxiliary boxes, a metal compartment comparable in size to a small P.O. sack rack should be provided. Although no specifications are stipulated for the construction of the metal compartment, it should be of sufficient height and length to permit the suspension of the required number of sacks from hooks, the number of mail openings to correspond to the number of sacks. The compartment must be lettered or stenciled U.S. Mail in large letters and have on each section or at the mail opening the inscription Letter Mail Tied in Bundles. The compartment must be constructed so as to permit the convenient hanging and withdrawing of the sacks.

(8) *Combination letter and bundle box.* If the receiving box to be attached to a chute will not be of sufficient size to accommodate the deposits of first-class mail, and it is not desired to install a separate auxiliary box, a combination letter and bundle letterbox may be attached to the chute in lieu of the regular receiving box, constructed as follows:

(i) The box must be at least 60 inches high, 23 inches wide, and 17 inches deep, and shall have a pull-down inlet door with an opening 7 by 11½ inches inscribed Letters and Letter Mail Tied in Bundles. The bottom edge of the door opening should be not more than 5 feet above the floor level. The mail opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.

(ii) At a height of 3 feet 4 inches from the bottom of the box, there must be placed a ¾-inch pipe hanger (removable) along each side of the box from the front to the back, each equipped with two sliding hooks so that a No. 1 mail sack may be hung thereon.

(iii) The bottom of the door of the box should be flush or below the level of the bottom of the box and this door should be of such size and so constructed as to permit the convenient hanging and withdrawing of the sacks. There must be four screw holes in this door to fit the letterbox arrow lock to be furnished by the postmaster.

(iv) Boxes shall be distinctly marked U.S. Mail.

(e) *Maintenance of chutes and receiving boxes.* (1) Every mailing chute and receiving box must be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as may be directed by the postmaster must then be done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated. Form 1506, *Mail Chute Inspection*, should be completed at the time the chute is inspected and retained in the office of the postmaster.

(2) If the postmaster finds that any part of the chute or receiving box does not conform to these regulations, or has become defective, he must close the mail openings and discontinue collections, and shall not resume collections until the mailing chute and receiving box fully meet the requirements of these regulations. All repairs, changes, and alterations to mailing chutes and receiving boxes must be made by and at the expense of the owner or lessee of the building in which they are situated, under the supervision and subject to the approval of the postmaster.

(3) Any obstruction in a mailing chute must be at once reported to the postmaster, who must promptly make an inspection of the chute. If the obstruction resulted from misuse or abuse of the chute, he will notify the proprietor or lessee of the building in which it is located and may, in his discretion, close the mail openings and discontinue collections until satisfied that proper care will be taken in the future use of the chute and the receiving box. If collections are discontinued, the postmaster will attach to the chute, at the several mail openings, notices of discontinuance.

(f) *Custody and control of chutes and receiving boxes.* (1) Mailing chutes and receiving boxes are considered the property of the United States as long as collections of mail are made from them and shall remain under the exclusive custody and control of the postmaster until collections are discontinued by his direction.

(2) Every mail chute contract must contain an explicit waiver by the owner or owners of patents issued or to be issued on the chute and receiving box covered by the contract, and on any device or devices connected therewith, of all claims against the United States and its officers and agents for the use of such chute and box and such device or devices.

(3) The contract must contain a full warranty by the company or person proposing to erect the chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mail, the postmaster must assure himself that a blanket bond in such form and with such penalty as may be prescribed by the Postmaster General has been filed at the Department conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box. This bond must be in the amount of $10,000, though a larger sum may be required if considered advisable by the Post Office Department.

(4) With every mail chute contract submitted for approval there must be furnished evidence that a surety bond in the sum of $3,000 has been given to the purchaser guaranteeing the construction and installation of the mail chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser .

(5) When mailing chutes and receiving boxes are erected under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting the chutes and boxes, providing that if the lessors of the chutes and boxes shall request the return of the mailing apparatus, the postmaster will, after due notice to the proprietor or lessee, discontinue collections, remove the lock from the receivng box, and permit the removal of the mailing apparatus by the lessors.

(g) *Regulations of this section to be part of every contract.* The contents of this section must be printed on the back and become a part of every contract for the erection and use of mailing chutes and receiving boxes entered into between the manufacturers or owners of chutes and boxes and the proprietor or lessee of the building in which they are located.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 6003)

Subpart H—Rules of Procedure Relating to the Disposition of Money or Other Property Recovered by Postal Inspectors

§ 201.80 Disposition of money or other property recovered by Postal Inspectors.

(a) The Chief Postal Inspector is authorized by the Postmaster General to determine upon satisfactory evidence the ownership of money or other property lost or stolen from the mails and recovered by Postal Inspectors, and to dispose of it to the United States Government, or to the senders or owners of the mail as their interests shall appear, as indicated below.

(b) When investigation by Postal Inspectors establishes individual responsibility for mistreatment of mail matter, they give attention to collecting the amount of the loss. Such collections are forwarded by inspectors to the Bureau of Finance of the Post Office Department for deposit. The Chief Postal Inspector then reviews the facts and disposes of the money.

(c) When Postal Inspectors recover identical money and identified articles stolen from the mails they restore it to the owners, if it is not needed as evidence or when no longer needed as such, unless otherwise directed by the United States Attorney or the Court or the Post Office Department, or unless the owners have received an indemnity payment or other settlement is in order.

(d) When Postal Inspectors recover property other than money which is believed to be the contents of mail but not so identified, they forward it to the designated post offices for treatment as dead mail matter if it is not needed as evidence or when no longer needed as such, unless otherwise directed by the United States Attorney or the Court or the Post Office Department.

(e) When an inspector believes that the disposition of money or other property by him is inadvisable because of insufficiency of identification, conflicting claims, or other reasons, the disposition of the money or other property is determined by the Chief Postal Inspector.

(f) If money collected by inspectors represents a compromise offer, or if advisable for other reasons, it is channeled to the Chief Postal Inspector for treatment by him.

(g) Subject to the foregoing, inspectors generally disburse collections made by them direct to those entitled to the money if the collections apply to a raised, stolen, double paid, or wrongly paid postal money order or postal savings certificate; customs duty assessed on mail matter; damage by the public to a mail truck or street letter box equipment; COD charges embezzled by an employee if money orders are issued by incumbent postmaster; revenues from second-class, metered, permit imprint, registered, and permit mail fees; discrepancies in accounts of incumbent and former postmasters except loss of mail containing official remittances; salary overpayments; or improper payments of uniform allowances.

(h) Moneys lost or stolen from the mails and recovered by Postal Inspectors are sent by them to the Bureau of Finance for deposit unless, as in the case of identical money or for other reasons, other action may be in order.

(i) With respect to moneys deposited with the Bureau of Finance, the Chief Postal Inspector, after determining upon satisfactory evidence the proper disposition to be made of it, furnishes the Bureau of Finance with instructions for disbursement.

(j) Persons suffering losses of money or other property from the mails should report it to the postmaster and furnish the envelope, wrapper, or container, if available. Such reports are channeled by postmasters to the proper Postal Inspector in charge. If there is good reason to keep knowledge of the report from the postmaster, it should be sent to the Postmaster General, Washington 25, D.C. When such money or property is recovered by Postal Inspectors, it is disposed of as previously shown.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 4001, 4002)

Subpart I—Rules of Procedure Relating to the Payment of Rewards

§ 201.82 Payment of rewards.

(a) *Services meriting reward.* The Post Office Department will, on and after March 1, 1963, unless otherwise ordered, pay the following rewards, providing Congress makes available the necessary appropriation:

(1) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or on the charge of robbing any such person of any such mail, or money or other property of the United States, if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or money or other property of the United States, or put his life in jeopardy by the use of a dangerous weapon.

(2) Not exceeding one thousand dollars for the arrest and conviction of any offender on the charge of assaulting any person having lawful charge, control, or custody of any mail, or money or other property of the United States, with intent to rob, steal, or purloin such mail, or money or other property of the United States, or any part thereof, or of robbing such person of such mail, or money or other property of the United States, or any part thereof, where the assault does not include the wounding of the person having custody of the mail, or money or other property of the United States, or the putting of his life in jeopardy by the use of a dangerous weapon.

(3) Not exceeding two thousand dollars for the arrest and conviction of any offender on the charge of mailing or causing to be mailed any poison, or any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or explode, with the design, intent, or purpose to kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(4) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of mailing or causing to be mailed any bomb, infernal machine, or mechanical, chemical, or other device or composition which may ignite or ex-

plode, and which may kill or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property.

(5) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of breaking into or attempting to break into a post office or any building used in whole or in part as a post office, with intent to commit in such post office, or part of said building used as a post office, any larceny or other depredation. A post office station will be regarded as coming within the meaning of the term post office, as used in this section.

(6) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States while being conveyed over any post route, or while in the custody of any mail messenger, or being conveyed to or from any railroad depot, or of robbing or stealing from the mail while it remains at any railroad depot awaiting transfer.

(7) Not exceeding two hundred dollars for the arrest and conviction of any person on the charge of stealing mail or any valuable thing contained therein, or money or other property of the United States, from or out of any mail, post office, or station thereof, or from any person properly having custody of any mail, money or property as aforesaid, or of larceny from any letter box, street letter box, or other receptacle established, approved, or designated by the Postmaster General for the receipt of mail on any rural delivery route, star route, or other mail route, or from a box rented in a post office, or from any public receptacle or other authorized depository for mail.

(8) Not exceeding two hundred dollars for the arrest and conviction of any mail carrier on any mail messenger route or star route on the charge of embezzling or stealing mail or any valuable thing contained therein.

(9) For the arrest and conviction of any person as accessory to any of the offenses above mentioned, or for receiving or having unlawful possession of any mail, money or property stolen from a post office or from a station of a post office, or otherwise, as provided in this Notice of Reward, the same reward will be paid as for the arrest and conviction of the principal offender.

(10) When an offender is killed in the act of committing any of the crimes enumerated herein, or in resisting lawful arrest, the same reward may be paid as though he had been tried and convicted.

(11) When a person has been convicted of committing any offense enumerated herein a reward may be paid, even though such person when arrested was charged with committing an offense not so enumerated. When a person has been adjudged a juvenile delinquent because of having committed any offense enumerated herein, the same reward may be paid as though he had been convicted of such offense.

(12) The reward that may be allowed under the offers made in the preceding paragraphs will be determined according to the circumstances surrounding the particular case and on the basis of the services personally rendered by each claimant. In deciding what amount should be paid, the importance and value of the service rendered, the character of the person arrested and convicted, the risks or hazards involved, the time consumed, the expenses incurred and the efforts put forth, will govern. Maximum rewards will be paid only when the services performed were of maximum value.

(13) Separate applications should be made in writing to the Chief Postal Inspector, Washington 25, D.C., by each person who claims a reward. Applications for reward should state the name of the offender and the date and nature of the offense.

(14) Payment for services meriting a reward will be made, subject to the necessary appropriation, as aforesaid, upon presentation of satisfactory evidence and after appropriate investigation. A claim will not be considered unless presented within 6 months from the date of conviction of an offender, or within 6 months from the date of his death, if he was killed in the act of committing a crime or in resisting lawful arrest.

(15) In order that all claimants for reward in any case may have an opportunity to present their claims, the Department reserves the right to withhold taking final action until the time limit specified in the preceding paragraph has expired and the claims have been investigated.

(16) The Post Office Department reserves the right to reject a claim when the circumstances in the case do not justify the payment of a reward or when, in its opinion, there has been collusion, or when improper methods have been used to effect an arrest or to secure a conviction; and it also reserves the right to allow only one reward where several persons have been convicted of the same offense, or when one person has been convicted of several offenses, unless the circumstances, in its judgment, entitle the claimant to a reward for each conviction.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 509)

Subpart J—Rules of Procedure Governing the Compromise of Obligations

§ 201.85 Compromise of obligations.

Any proposition of compromise shall be submitted in writing, and the amount offered in compromise shall be deposited with the Director, Division of Postal Funds, Bureau of Finance, Post Office Department. If the offer in compromise is rejected the amount deposited will be returned. The amount of a compromise offer must be tendered unconditionally for deposit pending the consideration of acceptance. Checks and drafts cannot be accepted as offers in compromise when they bear endorsements or instructions to the effect that the acceptance of such checks or drafts constitutes settlement in full of the claim, fine, penalty, or liability in connection with which the offer is made, except that such checks or drafts may be accepted when they are accompanied with a written waiver of the endorsements or instructions printed thereon. Offers in compromise should be transmitted or delivered to the bureau of the Department, the Post Office Inspector, or the postmaster from whom demand is received for payment of the amount due.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

Subpart K—Procedures Under the Employment Policy of the Post Office Department

§ 201.90 Employment policy, Post Office Department.

(a) *Authority.* This statement of procedure issued in conformity with and under the authority of Executive Order 10590 (3 CFR, 1955 Supp.) constitutes the basic regulations to govern the administration of the employment policies of the Order in the Post Office Department.

(b) *Employment policy officer.* The Deputy Postmaster General is designated as the Employment Policy Officer for the Post Office Department.

(c) *Deputy employment policy officers.* The following officials are designated as Deputy Employment Policy Officers for the indicated Units:

Unit	*Deputy Employment Policy Officer*
Regional and District Offices	Regional Director and/or Regional Manager.
Post Offices	Regional Manager (if established, otherwise the Postmaster).
Regional Accounting Office	Regional Controller (if established, otherwise the Director).
Post Office Inspection Service Division	Inspector in Charge.
Mail Equipment Shops, D. C	Superintendent.
Supply Center	Superintendent.
Vehicle Service	Regional Vehicle Manager.
Division, Post Office Department	Director.

(d) *Investigations.* When necessary, investigations required by the Employment Policy Officer in cases of alleged discrimination in personnel matters shall be conducted by the Post Office Inspection Service.

(e) *Personnel actions.* All personnel actions taken by appointing officers shall be based solely on merit and fitness without regard to race, color, religion, or national origin.

(f) *Complaints.* An employee, an applicant, a duly authorized representative, or the designated spokesman of a duly constituted group or organization, may file a written complaint under the provisions of Executive Order 10590 (3 CFR, 1955 Supp). The complaint must be filed

within 45 days of the specific personnel action complained of, except that a complaint involving a discharge action must be made within 10 days of the effective date of such action, unless the complainant is prevented from filing within these time limits by circumstances beyond his control. A complaint will not be subject to these specific time limits if it is concerned with a continuing discriminatory practice.

(g) *Written complaints.* Any initial written complaint must be signed by the complainant and include information regarding the specific personnel action complained of, the approximate date thereof, reasons in support of the alleged discrimination, a statement as to when the complainant first learned of the discrimination, and remedies sought.

(h) *Procedures for handling complaints and appeals made by individuals*—(1) *Applicants.* An applicant failing of appointment who alleges discrimination may file a complaint, which must be in writing, either with the appropriate Deputy Employment Policy Officer or with the Employment Policy Officer, Post Office Department, Washington 25, D. C. In all other respects complaints of applicants will be handled in the same manner as complaints of employees.

(2) *Employees.* An employee may file a complaint with the first-line supervisor, with the Deputy Employment Policy Officer, or with the Employment Policy Officer, Post Office Department, Washington 25, D. C. Complaints initiated with the supervisor may be oral or written. Those initiated with the Deputy Employment Policy Officer or the Employment Policy Officer must be in writing.

(3) *Action by the supervisor.* If a complaint cannot be adjusted satisfactorily and promptly by the first-line supervisor, he should advise the employee to submit the complaint in writing. The supervisor shall submit a written report to the Deputy Employment Policy Officer setting forth the basis for the complaint and the reasons for inability to effect a satisfactory adjustment. The report shall include the written complaint of the employee. The written report of supervisors under the jurisdiction of Postmasters; District Superintendents, Bureau of Transportation; Managers, District Operations Offices, Bureau of Post Office Operations; and Directors, Regional Accounting Offices, shall be submitted directly to these officials who shall, if the complaint cannot be satisfactorily adjusted at that level, make the required report to the Deputy Employment Policy Officer.

(4) *Action by the Deputy Employment Policy Officer.* On receipt of an original complaint or a complaint referred to him by a supervisor, the Deputy Employment Policy Officer should promptly make, or cause to be made, such inquiry as is necessary to ascertain the facts at issue on the complaint. He should endeavor through informal negotiation to effect a satisfactory settlement of the complaint and if necessary take, or cause to be taken, corrective action. The Employment Policy Officer should be advised of the settlement of the complaint and any corrective action which may be taken. In the event the Deputy Employment Policy Officer is not able to effect a satisfactory settlement of the complaint by informal negotiation he shall forward to the Employment Policy Officer the complete file on the complaint.

(5) *Action by the Employment Policy Officer.* On receipt of an original complaint or a complaint referred to him by a Deputy Employment Policy Officer, the Employment Policy Officer shall cause to be made, such investigation as is necessary to resolve all issues raised by the individual complaint. Simultaneously he shall make, or cause to be made, an appraisal of the personnel actions in the unit in which the complaint originated. If it is not possible to adjust the complaint to the satisfaction of the complainant, the Employment Policy Officer shall advise him of his right to a hearing.

(6) *Hearing.* On request from the complainant, the Employment Policy Officer will schedule a hearing which shall be held at a place reasonably convenient to the complainant. The complainant must attend the hearing, but he may be assisted by a representative of his own choosing. The hearing shall be conducted by a hearing officer to be designated from the postal service by the Employment Policy Officer. The complainant shall be permitted to present by witnesses or otherwise any facts pertinent to the issues. Where practicable, a transcript of the testimony shall be made. If a verbatim transcript is not practicable, a full summary of the testimony shall be made by the hearing officer. The summary may be agreed to and signed by the complainant and the hearing officer, or if the complainant does not agree with the summary, he may note and sign his exceptions which will become a part of the summary. Any transcript or summary will be made available by the Employment Policy Officer for inspection by the complainant or his authorized representative. On the material facts disclosed by the investigation, by the general appraisal of personnel actions, and by the hearing if held, the Employment Policy Officer will make findings of fact. From these findings of fact he will make recommendations to appropriate administrative officials for such corrective measures as he may deem necessary. Subsequent to such recommendations and prior to the final decision, and upon the written request of the complainant, the complainant's case will be referred to the President's Committee on Government Employment Policy (hereinafter referred to as the Committee) for its review and an advisory opinion. The complainant will be advised of the recommendation and of his right to request that the case be referred to the Committee for review prior to final decision.

(i) *Procedures for handling complaints filed by groups or organizations.* (1) A group or organization may file a written complaint with the Employment Policy Officer regarding personnel actions which have the effect of discriminating against a group of employees or applicants on account of race, color, religion, or national origin. Such complaint must include full and complete information to support the allegations of discrimination in personnel actions, setting forth dates, names, and identification of individuals involved, incidents, occurrences, and circumstances.

(2) The Employment Policy Officer will cause a full and complete investigation of the allegations of discrimination to be made. The group or organization making the complaint will be advised of the Employment Policy Officer's recommendations to appropriate administrative officials for such corrective measures as he may deem necessary, prior to final decision and of its right to request that the case be referred to the Committee for its review and an advisory opinion.

Subpart L—Rules of Procedure for the Board of Contract Appeals

AUTHORITY: §§ 201.101 to 201.120 issued under R.S. 161, as amended; 74 Stat. 554; 5 U.S.C. 22, 39 U.S.C. 309, 501.

§ 201.101 Purpose.

This subpart prescribes the functions and rules of procedure of the Board of Contract Appeals.

§ 201.102 Membership.

The Board of Contract Appeals consists of three members:

(a) The Judicial Officer of the Post Office Department who is the Chairman.

(b) An attorney designated by the General Counsel from among those on his staff.

(c) A member of the Headquarters staff designated by the Deputy Postmaster General who shall serve one year from the date of appointment. An alternate may be appointed for any absent or disqualified member. No member of the Board may consider an appeal if he has participated in the formulation or administration of, or has any interest, directly or indirectly, in the contract in dispute.

§ 201.103 Office.

The Office of the Board of Contract Appeals shall be in the Office of the Judicial Officer in the Post Office Department Building, Washington 25, D.C. A suitable docket of contract appeals cases shall be maintained for public inspection at that office.

§ 201.104 Authority.

As the duly authorized representative of the Postmaster General, the Board is authorized to exercise the full authority of the Postmaster General in all cases in which, by the terms of a contract, the contractor may appeal from findings of fact or decisions of a contracting officer or contract administrator to the Postmaster General or his representative. The Board has the authority to conduct hearings, dismiss proceedings, order the production of documents or other evidence and take official notice of facts within general knowledge and decide all questions of fact and law raised by the appeal. Decisions of the Board are by a majority of the Board except as here-

inafter provided. There is no further administrative appeal from the decision of the Board.

§ 201.105 Decision of the Contracting Officer.

The Contracting Officer shall be required to promptly make a written decision in which he shall decide every material fact in dispute or other matter from which an appeal to the Board may be taken. A copy of the decision shall be furnished to the contractor.

§ 201.106 Appeal.

(a) *Notice.* An appeal from a finding of fact or decision of the Contracting Officer may be made by notice of appeal in writing, addressed to the Postmaster General within 30 days from the date of receipt of the written decision of the Contracting Officer unless otherwise provided in the contract. The notice shall be delivered to the Contracting Officer and shall identify the contract and the Contracting Officer and specify the portion of the findings of fact or decision from which the appeal is taken. The notice shall be signed by the contractor or his attorney.

(b) *Petition.* A petition in support of the appeal shall be filed by the appellant with the Board within 30 days after the mailing or filing of the notice of appeal. The petition should set forth:

(1) A summary of the decision of the Contracting Officer on the dispute from which the appeal is taken.

(2) A simple, concise and direct statement of each claim upon which the contractor relies and the reasons why the findings or decision are deemed erroneous.

(3) Documentary evidence when applicable in support of claims as exhibits to the petition.

(c) *Reply.* The contractor may file a reply within 15 days after receipt of the answer of Department counsel provided in § 201.108 (b).

(d) *Contracting Officer.* The Contracting Officer shall forward any notice of appeal received by him immediately to the Chairman of the Board. In any case in which the original notice of appeal is filed directly with the Board, the Chairman shall immediately forward two copies to the Contracting Officer. Within 15 days from the date of receipt of the notice of appeal or copies thereof, the Contracting Officer shall furnish one copy of the notice of appeal to the General Counsel for use of the Department Counsel together with an appeal file consisting of: (1) The decision from which the appeal is taken, (2) any and all findings of fact that may have been made in connection with the dispute, (3) all documents relied upon in making findings or decision, (4) the contractor's claim in connection with the dispute, (5) a copy of the contract and pertinent plans, specifications, amendments and change orders, (6) all correspondence between the parties relating to the dispute, (7) transcripts of any testimony taken in connection with the dispute in addition to any affidavits or statements of any witnesses that were made prior to the notice of appeal and (8) any other information which the Contracting Officer may consider material. True copies may be substituted for originals in this file.

§ 201.107 Reconsideration.

The Contracting Officer may reconsider his decision during the period allowed for appeal and should the decision be modified or changed during that period the time for appeal shall be computed from the date the modification or change is served on the contractor.

§ 201.108 Duties of Department Counsel.

(a) The Department Counsel, designated by the General Counsel, shall upon receipt of the appeal file, notify the contractor, or his attorney, of his designation, furnish him with a copy of these rules and inform him that the appeal file is available at his office for inspection by the contractor or his attorney.

(b) Within 30 days after receipt of the petition by the Board, the Department Counsel shall transmit to the Board an answer stating the Government's position on each claim asserted and if desired, or requested by the Board, a supporting brief. The appeal file shall be transmitted with the answer. It shall thereafter be available for inspection by either party in the offices of the Board.

§ 201.109 Practice.

Any contractor may appeal in person, through an officer of the corporation or any attorney admitted to practice before the Post Office Department in accordance with Part 202 of this chapter.

§ 201.110 Pre-hearing conference.

(a) The Chairman may direct the parties to appear before the Board or a member designated by the Chairman at a specified time and place for a conference to consider:

(1) Simplification of issues;

(2) Possibility of obtaining stipulations as to admissions of fact and introduction of documents;

(3) Limitation of the number of expert witnesses, if a hearing is to be held, and

(4) Such other matters as may aid in the disposition of the matter.

(b) The results of the conference shall be reduced to writing by the Board or the member designated by the Chairman and made a part of the record.

§ 201.111 Settlement.

A dispute may be settled at any time (a) by the contractor filing written notice withdrawing his appeal, (b) by written stipulation between the contractor and the Contracting Officer approved by the Board settling either the entire dispute or any part thereof. The appeal shall continue as to any issues remaining in dispute.

§ 201.112 Depositions.

(a) Depositions upon oral examination or upon written interrogatories may be taken by either party and used as evidence at the hearing when relevant and material to the case.

(b) Depositions may be taken before any person authorized by laws of the United States or by the laws of the place where they are taken to administer oaths.

(c) Either party may take a deposition of a witness by giving the opposite party at least 15 days notice in writing of the time and place where such deposition will be taken. The notice shall contain: The name, address and official title of the officer before whom it is proposed to take the deposition; the name of the witness and the address; whether the deposition will be taken on oral examination or written interrogatories. The parties may stipulate in writing the requirements of the notice in which case the notice can be dispensed with. If the deposition is to be taken on written interrogatories, two copies thereof should accompany the notice or stipulation. The opposing party may serve cross interrogatories to be propounded to the witness within 10 days after receipt of the interrogatories, by forwarding them to the officer designated to take the deposition and simultaneously forwarding a copy to his opponent.

(d) A deposition taken under the provisions of this rule may be offered in whole or in part by either party. Depositions will not be considered as evidence until they have been offered and received as such. All objections made at the time of the taking of the deposition will be passed on at the hearing by the Board which may exclude any part determined to be irrelevant, immaterial or otherwise not admissible as evidence in the proceedings.

§ 201.113 Stipulations.

The parties may stipulate in writing as to any facts that are relevant and material to the issues involved and what documents or facts may be received in evidence without formal proof subject to relevance and materiality.

§ 201.114 Hearing.

The contractor may submit the case on the record or request a hearing. The Board shall, at the request of either party within 15 days after the answer is filed, grant a hearing. In the absence of a request, the Board may, in its discretion, order a hearing on any appeal. The parties will be given a minimum of 15 days' notice in writing of the time and place of the hearing. The hearing may be conducted by the entire Board or one member of the Board in the discretion of a majority of the Board. If the hearing is conducted by one member at least one other member must concur in the decision of the member who conducted the hearing before it shall become a decision of the Board of Contract Appeals. All hearings shall be held in Washington, D. C., unless upon motion of either party the Board shall determine for good cause shown that the hearing shall be held elsewhere.

§ 201.115 Continuance.

Any time after notice of appeal is filed, the Board may grant a continuance for the filing of any document.

§ 201.116 Procedure.

(a) Insofar as possible hearings shall be informal. Both parties may offer oral

and written evidence, subject to the exclusion by the Board or the presiding member of any irrelevant, immaterial or repetitious evidence. The general procedure as to the introduction of evidence and the calling of witnesses shall be in the discretion of the Chairman or the presiding member.

(b) Attention of the witnesses shall be invited to 18 U. S. C. 1621. Testimony shall be under oath or affirmation. All witnesses may be examined or cross-examined by the Board, the parties, or counsel.

(c) The Board shall make provision for a transcript of the hearing which ordinarily shall be a verbatim transcript. But the Board with the consent of the contractor may in its discretion direct a summary of the transcript to be prepared in lieu of the verbatim transcript. If at the direction of the Board a summary is prepared, the contractor and Department Counsel shall either indicate in writing that it is accurate or file specific written objections for resolution by the Board.

§ 201.117 Service.

The parties shall file with the Board an original and two copies of all pleadings, except the notice of appeal and the appeal file, and shall at the same time serve a copy on the opposing party or his representative of record. Service of papers shall be made in person or by certified mail.

§ 201.118 Decisions.

Decisions of the Board reflect the opinion of a majority of the members. A copy of the decision shall be furnished to both parties and shall be available for public inspection in the Post Office Department Library.

§ 201.119 Reconsideration by the Board.

A request for reconsideration by the Board may be filed within 30 days after the date of the decision. Reconsideration of any decision may be granted if, in the judgment of the Board, sufficient reason therefor appears.

§ 201.120 Conflicts.

Any conflict between this subpart and specific provisions of any contract in dispute shall be resolved in favor of the provisions of the contract.

Subpart M—Rules of Procedure for Progress Payments on Post Office Department Procurement Contracts

AUTHORITY: §§ 201.130 to 201.134 issued under R.S. 161, as amended, sec. 305, 63 Stat. 396, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501, 41 U.S.C. 265.

§ 201.130 Definition of terms.

(a) The term "progress payments" means payments made from time to time during the performance of a contract on the basis of costs to the contractor, or percentage of completion or particular stage of completion in connection with which the Government takes title to property acquired and work performed under the contract.

(b) The term "eligible contractors" includes all persons awarded contracts covered by these instructions, except a person who is determined by the contracting officer to be in such unsatisfactory financial condition or has disregarded his obligations with respect to progress payments under other Government contracts to such a degree as to endanger recoupment of progress payments under the current contract.

(c) The term "unliquidated progress payments" means progress payments made which have not been liquidated by actual delivery and acceptance by the Government of end items for which partial payments have been made to the contractor.

§ 201.131 Statement in invitation for bids.

Each formal invitation to bid shall contain a statement substantially as follows, unless the contracting officer determines the contract will not exceed $10,000:

Availability of Progress Payments. Upon written request of the successful bidder or contractor, the Government will, if he is an eligible contractor under applicable regulations, make provision for progress payments to the contractor whenever the contracting officer considers:

a. That the period of time between starting performance and delivery of the first end items will exceed six months.

b. That contract performance is likely to involve expenditures prior to delivery of the first end items, having a material impact on the contractor's working funds or, in the case of progress payments first requested subsequent to award, involves expenditures having such impact.

c. The bidder shall state whether or not his bid is conditioned on the availability of progress payments or whether his bid is firm even though progress payments will not be available.

d. The need for progress payments on the foregoing basis will not be considered a handicap or an adverse factor in awarding contracts hereunder.

§ 201.132 Basis for progress payments.

The following statements shall be inserted in all contracts under which progress payments are available and shall constitute the basis for making progress payments:

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be 90 percent of the contractor's cumulative costs of direct labor performed and material including equipment acquired for performance of this contract; less the sum of previous progress payments. In no event, however, may the amount of unliquidated progress payments exceed 60 percent of the total contract price of items and services not yet delivered, invoiced to and accepted by the Government; also, the aggregate amount of progress payments made may not exceed 60 percent of the total contract price.

(2) Contractor's costs above mentioned must be reasonable, allocable to this contract, and consistent with generally accepted accounting principles.

(b) *Recovery of progress payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced to and accepted by the Government shall be reduced by 60 percent and the amount of the reduction applied against progress payments previously made until such time as the total of all progress payments has been liquidated.

(c) *Reduction or suspension.* The Government reserves the right to withhold or reduce progress payments and to increase the liquidation rate if in the opinion of the contracting officer the contractor is in such unsatisfactory financial condition or has so failed to make progress as to endanger contract performance and recoupment of progress payments.

(d) *Title to material and work.* When any progress payment is made under this contract, title to material including equipment acquired and work performed under this contract shall vest in the Government, and title to all like property thereafter acquired or produced by the contractor and properly chargeable to this contract under generally accepted accounting practices shall vest in the Government. The contractor shall repay to the Government an amount equal to that portion of the unliquidated progress payments allocable to material lost, stolen, destroyed or damaged. Upon completion of performance of all obligations of the contractor under this contract, title to all property not delivered to and accepted by the Government under this contract and to which title had vested in the Government under this contract shall vest in the contractor. The Government shall have the right to examine at any reasonable time any property to which title has vested or may vest in the Government under this paragraph.

(e) *Records and reports.* The contractor shall maintain accurate books, records, accounts, and reports and shall furnish such statements and information as may be reasonably requested by the contracting officer. The Government shall be afforded reasonable opportunity to examine the contractor's books, records, reports and accounts as well as any property to which title has vested or may vest in the Government.

(f) *Default.* If this contract is terminated for default, the contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments, less any amounts payable to the contractor in accordance with the default clause.

(g) *Reservation of rights.* The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(h) *Surety bond.* Unless the contracting officer determines that the Government is adequately protected against risk or loss on account of progress payments made under this contract, the contractor shall furnish a surety bond in the form prescribed by the Government in the amount of maximum progress payments authorized to be outstanding at any one time under this section.

§ 201.133 Contracts under $10,000.

Normally contracts under $10,000 will not be considered for progress payments except when a contractor has a number

of separate contracts aggregating $10,000 or more.

§ 201.134 Applicability.

The rules contained in § 201.130 to 201.133 shall apply only to procurement contracts approved and awarded by the Bureau of Facilities contracting officers, Headquarters, Washington 25, D.C.

Subpart N—Rule Making Procedures of the Post Office Department

§ 201.200 Rule making.

(a) There are numerous statutes administered by the Post Office Department which contain specific provisions authorizing or directing the Postmaster General to issue rules and regulations to implement such statutes. Other statutes, by inference, vest the Postmaster General with authority to issue such rules and regulations as may be necessary for the proper administration of such statutes. Such rules and regulations have the force and effect of law.

(b) The provisions of the Federal Register Act (49 Stat. 500; 44 U. S. C., ch. 8B), and of the regulations issued thereunder (1 CFR Chapter I) governing the issuance of rules and regulations are observed. Rules and regulations of the Post Office Department are drafted by the General Counsel with the assistance of his staff. Such rules and regulations are based upon legislation and upon changes suggested by the various officers of the Post Office Department. The rules and regulations are submitted to the Postmaster General, and upon being approved, are filed with the Federal Register Division of The National Archives for publication in the FEDERAL REGISTER. Rules dealing with organization and delegation of authority, substantive rules, and rules of procedure will be separately stated pursuant to the requirements of section 3 (a) of the Administrative Procedure Act (5 U. S. C. 1002).

(c) There is no requirement in the laws administered by the Post Office Department for the giving of notice of, or for the hearing on, proposed rules or regulations. The provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) will be complied with in the promulgation of substantive rules which do not come within the exceptions set forth in the said section.

(d) Petitions by interested persons for the issuance, amendment, or repeal of a rule or regulation of the Post Office Department may be submitted to the General Counsel, Post Office Department, Washington 25, D.C. Such petitions will be considered by the General Counsel and by the officers of the Post Office Department. The petitioner will be notified of any denial of such petition, and, where considered appropriate, of any other action taken in connection therewith.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

PART 202—PROCEDURE BEFORE THE GENERAL COUNSEL

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AUTHORITY: §§ 202.1 through 202.57 issued under R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501.

Subpart A—Procedure Governing the Admission of Attorneys to Practice Before the Post Office Department

§ 202.1 Requisites to admission.

(a) Any individual who is a party to any proceedings before an examiner may appear for himself or by an attorney-at-law.

(b) Except as provided in § 202.2, any attorney-at-law who is a member in good standing of the Bar of the Supreme Court of the United States or of the highest court of any State, Territory or of the District of Columbia, and is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting him in the practice of law may represent others before the Post Office Department.

(c) When an attorney acting in a representative capacity appears in person or signs a paper in practice before the Post Office Department his personal appearance or signature shall constitute a representation to the Post Office Department that under the provisions of this part and the law he is authorized and qualified to represent the particular party in whose behalf he acts.

§ 202.2 Person ineligible for admission to practice.

(a) No attorney disbarred from practice in this Department or in any other executive department will be eligible for admission to practice before the Post Office Department until said order of disbarment shall have been revoked.

(b) Any attorney who, subsequently to being admitted to practice before the Post Office Department, is disbarred by any other executive department shall be deemed suspended from practice in this Department during the pendency of said order of disbarment.

(c) No person who has been an attorney, officer, clerk, or employee in this Department will be recognized as attorney for prosecuting before this Department or any office thereof any case or matter with which he was in anywise connected while he was such attorney, officer, clerk, or employee.

(d) No person coming within the prohibitions of 5 U. S. C. 99, 18 U. S. C. 281, or 18 U. S. C. 283, will be recognized as attorney before this Department or any office thereof.

§ 202.3 Authorization of appearance required.

The head of any bureau or office may require an attorney to present satisfactory evidence of his authority to represent the person for whom he appears.

§ 202.4 Complaint of misconduct.

If the head of any bureau or office of the Department has reason to believe, or if complaint be made to him, that any attorney is guilty of conduct subjecting him to suspension or disbarment, the head of such office shall report the same to the General Counsel, who shall proceed in accordance with the rules issued by him, which are set forth in §§ 202.20 to 202.41.

§ 202.5 Suspension and disbarment from practice; grounds.

Any attorney who is guilty of conduct falling in one or more of the following categories may be suspended or disbarred:

(a) Who charges or receives, either directly or indirectly, in cases before the Post Office Department arising under the Federal Tort Claims Act (62 Stat. 869, 28 U. S. C. 2678), any fee or compensation in excess of that provided for by section 2678 of said act, or in cases before the Department not arising under said act, any fee or compensation deemed to be grossly excessive in relation to the services performed.

(b) Who, with intent to defraud or deceive, bribes, attempts to bribe, coerces, or attempts to coerce, by any means whatsoever, any person, including a party to a case, or an officer or employee of the Post Office Department or postal service, to commit an act or to refrain from performing an act in connection with any case;

(c) Who wilfully misleads, misinforms, or deceives an officer or employee of the Post Office Department or postal

service concerning any material and relevant fact in connection with a case;

(d) Who wilfully deceives, misleads, or threatens any party to a case concerning any matter relating to the case;

(e) Who solicits practice by means of runners or other unethical methods;

(f) Who represents, as an associate, an attorney who, known to him, solicits practice by means of runners or other unethical methods;

(g) Who has been temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in any court, Federal, State (including the District of Columbia), territorial, or insular;

(h) Who is temporarily suspended, and such suspension is still in effect, or permanently disbarred from practice in a representative capacity before any executive department, board, commission, or other Governmental unit, Federal, State (including the District of Columbia), territorial, or insular;

(i) Who, by use of his name, personal appearance, or any device, aids and abets an attorney to practice during the period of his suspension or disbarment, such suspension, or disbarment being known to him;

(j) Who wilfully made false statements in his application for admission to practice or in his participation in any case;

(k) Who engages in contumelious or otherwise unprofessional conduct with respect to a case in which such attorney acts in a representative capacity which would constitute cause for suspension or disbarment were the case pending before a court;

(l) Who, having been furnished with a copy or copies of any portion of the record in any case, wilfully fails to surrender such copy or copies upon final disposition of the case, or wilfully and without authorization makes and retains a copy or copies of the material furnished;

(m) Who has been convicted of a felony, or, having been convicted of any crime, is sentenced to imprisonment for a term of one year or more;

(n) Who no longer possesses the qualifications required for admission to practice.

§ 202.6 Notice of disbarment; exclusion from practice.

Upon the disbarment of an attorney, notice thereof will be given to the heads of the offices of this Department and to the other Executive Departments, and thereafter, until otherwise ordered, such disbarred persons will not be recognized as attorneys before the Post Office Department or any office thereof.

Subpart B—Procedure in Cases Relating to Disbarment of Attorneys

§ 202.20 Institution of proceedings.

(a) Whenever any person submits to the General Counsel a complaint against any attorney practicing before the Department, he may refer such complaint to the Chief Inspector for a complete investigation and report.

(b) Upon the receipt of the report of the Chief Inspector, the General Counsel will assign the matter to the Attorney in Charge of Admissions and Disbarment cases.

(c) Whenever the Attorney in Charge of Admissions and Disbarments shall have before him evidence on the basis of which he has reasonable grounds to believe that any attorney or representative against whom a complaint has been made as aforesaid, has violated the conditions of his admission to practice, and if it shall appear that a proceeding before the General Counsel is required to determine whether or not such attorney should be disbarred from practice before the Department, he shall prepare and submit to the General Counsel a specification of charges naming the attorney accused of improper practices or lack of proper qualifications, and stating the charges against him in such manner as to enable such attorney to answer them.

(d) If upon the presentation of such specification of charges to the General Counsel he determines that in the public interest a hearing is necessary to ascertain whether or not the accused attorney has been guilty of improper practices or is deficient in qualifications as alleged in the specification of charges against him, the General Counsel will issue a notice to the accused attorney to show cause on a specified day why an order of disbarment or suspension, as the case may be, should not be issued against him pursuant to the provisions of the regulations governing such cases.

§ 202.21 Service of complaint.

(a) Service of the complaint consisting of the notice to show cause and the specification of charges accompanied with copies of the "Procedure in Cases Relating to Disbarment of Attorneys" shall be effected by the transmission of same to the postmaster at the office of address of the accused attorney and shall be delivered to said attorney by said postmaster or an employee of the post office under his direction; and a receipt shall be secured from the accused attorney acknowledging delivery of said complaint, which receipt shall be forwarded to the General Counsel of the Post Office Department and shall be incorporated in the record of the case.

(b) In the event that no person can be found upon whom service of the complaint can be effected pursuant to the above rule, the complaint may be delivered with other mail addressed to the accused attorney and a statement to that effect showing the time and place of such delivery signed by the postal employee who so delivered the complaint shall constitute evidence of service of the notice showing the time and place of the hearing, and of the specification of charges.

§ 202.22 Answers.

(a) In case of desire to contest the proceeding, the respondent in any such case shall file with the General Counsel of the Post Office Department an answer to the complaint. Three copies of the answer shall be supplied. The answer shall contain a concise statement on behalf of the respondent admitting, denying or explaining each of the charges alleged in the complaint. All answers shall be signed by the respondent or by his attorney at law.

(b) The answer may be submitted by mail or presented by the respondent or his representative not later than the commencement of the hearing.

(c) The hearing will be held at the time and place stated in the notice regardless of whether the respondent files an answer or makes an appearance during the proceedings.

(d) If the respondent desires to waive a hearing on the allegations of fact set forth in the complaint, and does not desire to contest the allegations of fact, the answer shall consist of a statement that the respondent admits as true all the material allegations of fact charged. Contemporaneously with the filing of such answer the respondent shall state in writing whether he desires to appear and be heard on the question as to whether the admitted facts constitute the violation alleged in the complaint. Respondent may also file a brief in support of his contention.

§ 202.23 Appearances.

Any respondent attorney who has been served with a complaint and notice to show cause as set forth above may appear and be heard in person or by an attorney who must have been duly qualified and admitted to practice before the Post Office Department prior to the entrance of his appearance in behalf of the respondent and the hearing upon the complaint in issue.

§ 202.24 Appearance blanks.

Each attorney representing respondents shall enter his appearance in duplicate on the form to be prescribed for that purpose by the General Counsel and furnished to such attorney, prior to participating in a hearing, and said appearances shall be made a part of the record.

§ 202.25 Failure to answer or appear.

If the respondent fails to appear or to be represented at the hearing, he shall be deemed to have waived the right to be heard in the proceeding and an order pro-confesso may be entered against him.

§ 202.26 Amendments of pleadings.

Amendments to pleadings may be offered by any party during the course of a hearing and may be accepted by the General Counsel and incorporated into the record unless it shall be shown that the rights of the respondent will be unfairly prejudiced thereby.

§ 202.27 Subpoenas.

The Post Office Department is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses and cannot furnish or pay witness fees or transportation expenses.

§ 202.28 Continuances.

A short continuance may be granted to a respondent in any case where application is made therefor in writing not later than ten days before the date set forth for the hearing, which application shall contain a statement of the reasons upon which such request for a continuance is based; but such reasons must be

substantial and relate to the defense of the charges.

§ 202.29 Hearing officers.

Whenever it is impracticable for the General Counsel to preside at any proceeding under this subpart, or if for any other reason he deems it desirable to do so, he shall designate a member of the legal staff of the Post Office Department as a special hearing officer in the case. The General Counsel or any hearing officer acting in his behalf will rule upon all offers of proof; receive oral or documentary evidence; regulate the course of the hearing and the conduct of the parties; dispose of procedural motions; requests for adjournment and similar matters; require oral argument upon questions raised in the course of the hearing or at the close thereof, and limit such argument as to time and subject matter. Hearings will be conducted in such a way as to afford respondent persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record.

§ 202.30 Evidence.

Except as otherwise provided in this part, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal proceedings before the General Counsel: *Provided, however,* That such rules may be relaxed in any case where the ends of justice may be better served by so doing.

§ 202.31 Testimony under oath.

The testimony of witnesses at a hearing shall be upon oath or affirmation and witnesses shall be subject to cross-examination. Any witness may, in the discretion of the General Counsel or Hearing Officer be examined separately and apart from other witnesses except those who may be parties to the proceeding.

§ 202.32 Exclusion of irrelevant matter.

Insofar as practicable the General Counsel or Hearing Officer shall exclude evidence which is immaterial, irrelevant or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

§ 202.33 Statements of facts.

Agreed statements of facts signed by all parties to any hearing may be received in evidence.

§ 202.34 Official notice.

Official notice may be taken of all matters of generally recognized or scientific fact of an established character.

§ 202.35 Documentary evidence.

Relevant and material documents must be properly identified or authenticated.

§ 202.36 Objections.

If any party objects to the admission or rejection of any evidence or to the limitation of the scope of cross-examination, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the General Counsel or by the Hearing Officer. The transcript shall not include argument or debate upon objections except as ordered by the General Counsel or Hearing Officer. The ruling on any objection shall be a part of the transcript.

§ 202.37 Depositions.

No provision has been made by the Post Office Department for the taking of depositions and no money has been appropriated by Congress for that purpose.

§ 202.38 Transcript.

(a) The transcript of the proceedings before the General Counsel or Hearing Officer shall be made in every case by the reporting system of the Office of the General Counsel. Said transcript, together with all documents and pleadings filed in the case, shall constitute the official record thereof. If answer to the charges is made, a copy of the transcript shall be loaned to the respondent after the conclusion of the hearing for use in preparing any written brief or argument which the respondent desires to have considered when the case is taken up for disposition. The General Counsel or Hearing Officer will apprise each respondent present at a hearing of such fact and shall state the length of time to be allowed respondent for the preparation of the brief after he has been furnished the transcript.

(b) The transcript shall be returned with the respondent's brief.

§ 202.39 Oral argument.

If oral argument before the General Counsel or Hearing Officer is desired he should be notified before the close of the hearing in order that he may arrange to hear the argument at the close of the testimony, within such limits of time as may be agreeable to the parties and as he may determine to be adequate. Such argument shall be transcribed and bound with the transcript of testimony.

§ 202.40 Petitions for further hearing.

(a) An application for further hearing in a proceeding before final submission, or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision, must be made by petition stating specifically the grounds relied upon.

(b) A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced; (2) show that such evidence would not be merely cumulative, and that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument, or reconsideration must specify the matters claimed to have been decided erroneously and must briefly state the alleged errors. A petitioner praying that an order be vacated or modified by reason of matters which have arisen since the hearing, must briefly set forth all the matters relied upon by the petitioner.

(c) No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays to be reconsidered.

(d) A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

§ 202.41 Findings of fact and conclusion.

Upon the basis of the complete record the General Counsel will make a finding of the facts on the issues involved and conclusions as to the action to be taken and furnish a copy thereof to the respondent.

Subpart C—Procedure To Adjudicate Claims for Personal Injury or Property Damage Arising Out of the Operation of the Postal Service

§ 202.50 Character and limit of claims.

(a) Proceedings to adjudicate claims for personal injury or property damage arising out of the operation of the postal service, under the provisions of the Federal Tort Claims Act (28 U. S. C. 2672 et seq.) and the Deficiency Appropriation Act of June 16, 1921, as amended (39 U.S.C. 2409).

(b) Claims for damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of an employee of the Department acting within the scope of his employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred. The authority of the Department to award compensation under this act is limited to claims not exceeding $2,500. Where loss or damage occurs without negligence on the part of the Government employee involved, the maximum compensation which the Department may pay is $500.

§ 202.51 Time limit for filing.

The statutory period of limitation under 28 U.S.C. 2672, et seq., is two years. The maximum amount for which claim may be filed under 39 U.S.C. 2409 is $500. The maximum amount for which an administrative claim may be filed under 28 U.S.C. 2672, et seq., is $2,500.

§ 202.52 Place of filing.

Written claim is usually filed with the postmaster of the office within the delivery limits of which the accident happened, but may be filed with any officer of the Department or sent directly to the General Counsel.

§ 202.53 By whom claims may be filed.

A claim may be filed by the person or firm sustaining injuries or damage in his/its own right. An attorney may assist the claimant but may not sign the claim for such claimant. The provisions of 28 U.S.C. 2678 should be consulted in fixing the amount of attorneys' fees.

§ 202.54 Manner of filing claims.

Claim must be filed on Standard Form 95 which may be obtained from local postmasters or other local postal establishments.

§ 202.55 Evidence required to support claim.

Each claim filed must be supported as follows: (a) In cases of property damage, by an itemized, receipted bill or bills covering the repairs to the private property or the replacement of property destroyed, and limited to such items of repair or replacement as were necessitated by reason of the damage incurred in the specific accident giving rise to the claim or, if repairs have not yet been made, at least two itemized, signed statements or estimates by reliable disinterested concerns; or where property is not economically reparable, or is lost or destroyed, statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident, which statements should be by disinterested, competent persons, preferably reputable dealers or officers familiar with the type of property damaged, or by two or more competitive bidders, whose bids should be certified as just and correct; the testimony of any available witnesses which the claimant desires considered in the adjudication of such claim; and in cases where the property is covered by insurance—e. g., collision insurance on a car—the claimant must state what insurance is carried, the name and location of the company, whether he has filed claim with that company, and what action the insurance company has taken or will take with respect to such claim. Claims from insurance companies as subrogees must be executed by their proper claims officers and must be supported with subrogation receipts evidencing the payments made to their assured; (b) in cases of personal injury, by doctors' bills, hospital bills, nursing bills, bills covering dental or optical services, a sworn statement from the claimant's employer establishing the amount of time and the compensation lost by reason of the accident, a statement from the attending physician showing the nature and extent of the injuries and the treatment thereof, the degree of permanent or partial disability, if any, the prognosis, and the period of hospitalization or incapacitation; also the sworn statements of any available witnesses. The evidence specifically described in this section may be supplemented by any other documentary evidence which would be helpful to the Department in adjudicating claims. Claimants shall be required to submit to physical examinations by competent doctors employed or retained by the Government whenever they are requested to do so.

§ 202.56 Adjudication and settlement of claims.

In any case where the General Counsel, upon consideration of all the evidence submitted, finds that compensation is due a claimant under either of these acts, payment will be made by the Post Office Department and in due course a settlement warrant will be forwarded to the claimant. Where an attorney has assisted in the prosecution of his claim, the attorney's name will be included in the award.

§ 202.57 Review of adjudications.

The approval and acceptance of adjudication of any claim made by the General Counsel constitutes final action in a case so far as the Department is concerned, and there is no way by which review thereof in the Department may be obtained. If a claim filed under the Federal Tort Claims Act is disallowed, or if the claimant is unwilling to accept the amount awarded, or if the claimant wishes to withdraw the claim from consideration by the Department before final disposition, resort may be had to the United States Courts for relief. Conditions under which relief may be sought in the courts will be found in 28 U. S. C. 2675 and other pertinent sections of the Code referred to therein. Where such suit is brought, the pertinent provisions of Title 28, United States Code, should be examined by the claimant in order that its specific conditions may properly be complied with.

PART 203—HEARINGS ON MAILABILITY

Sec.

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AUTHORITY: §§ 203.1 to 203.14 issued under R.S. 161, as amended sec 1, 62 Stat. 740, as amended, 741, 762, as amended, 768, as amended, 769, 781, as amended, 782; 74 Stat. 554; 5 U.S.C. 22, 18 U.S.C. 871, 876, 1302, 1461, 1463, 1715, 1717, 1718, 39 U.S.C. 309, 501, 4001.

§ 203.1 Limitation.

The rules shall be applicable only to cases where the matter offered for mailing shall be of substantial value or quantity. The initial determination of this question by the General Counsel may be appealed to the Judicial Officer.

§ 203.2 Initiation.

Upon receipt of mail matter of doubtful mailability under the provisions of 18 U.S.C. 1302, 1461, 1463, 1717 or 1718 submitted by a postmaster pursuant to sec. 331.6 of the Postal Manual, the General Counsel shall: (a) file a complaint with the Docket Clerk of the Post Office Department or (b) instruct the postmaster to accept such matter for mailing.

§ 203.3 Complaint.

The complaint shall: (a) State statutory and/or regulatory authority for withholding the matter from the mails; (b) specify the character or content of the matter which the complainant believes to be non-mailable; and (c) request the issuance of a notice of hearing by the Docket Clerk.

§ 203.4 Notice of hearing; service.

Upon receipt of the complaint the Docket Clerk shall issue a notice of hearing. The notice shall set the time and place for the hearing and assign on rotation as far as practicable, a Hearing Examiner qualified pursuant to section 11 of the Administrative Procedure Act. The date set for the hearing shall be within ten days of the date of the filing of the complaint. The notice, together with copies of the complaint and these rules, shall be sent promptly to the Postmaster at the place of mailing to be served upon the mailer or his agent. A receipt therefor shall be obtained and forwarded immediately to the Docket Clerk. If personal service cannot be made, the notice of hearing shall be deposited in the mails for delivery in the regular course which shall constitute valid service. A report of such delivery shall be promptly forwarded to the Docket Clerk.

§ 203.5 Compromise and informal dispositions.

The mailer may request a conference with the complainant to consider informal disposition of any question of mailability or apply to the complainant for the withdrawal of the matter from the mails. When such a request is received, the scheduled hearing date will be postponed for such period of time as may be necessary but in no event longer than five days unless specifically requested by the mailer. If no agreement is reached, the proceeding shall promptly be re-scheduled for hearing.

§ 203.6 Answer.

The mailer may file an answer to the complaint and appear in person or by counsel at the hearing. The answer shall contain a reply to each allegation in the complaint and shall be filed in triplicate with the Docket Clerk in Room 3350, Post Office Department, Washington 25, D.C., at least three days prior to the date set for the hearing. Each allegation not answered shall be deemed admitted.

§ 203.7 Default.

If no answer to the complaint is filed, the mailer shall be deemed in default and the Judicial Officer shall instruct the postmaster of the disposition to be made of the matter in accordance with § 203.11. If the mailer files an answer but fails to appear at the hearing, the hearing examiner shall receive the evidence of the complainant and render an initial decision pursuant to § 203.10.

§ 203.8 Hearing.

Unless otherwise ordered by the Hearing Examiner, the hearing shall be held in Room 5241, Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., on the date set in the notice.

§ 203.9 Proposed findings of fact.

Either party may submit proposed findings of fact and conclusions of law

orally or in writing at the conclusion of the hearing, unless the mailer requests an extension, which may be granted for a reasonable time.

§ 203.10 Initial decision.

Unless given orally at the conclusion of the hearing, the Hearing Examiner shall render an initial decision within five days of the conclusion of the hearing or of the receipt of the proposed findings if not submitted at the hearing. The initial decision shall become the departmental decision if an appeal is not perfected.

§ 203.11 Appeal.

Either party may file exceptions in a brief on appeal to the Judicial Officer within five days after the initial decision unless additional time is requested by the mailer. A reply brief may be filed within five days after the receipt of the appeal brief by the Docket Clerk.

§ 203.12 Departmental decision.

The Judicial Officer shall render a departmental decision or refer the matter to the Postmaster General for decision. The decision shall be served upon the parties and the postmaster.

§ 203.13 Expedition.

For the purposes of expedition the parties may, with the concurrence of the Judicial Officer, agree to waive any of these procedures.

§ 203.14 Disposition.

Matter found to be nonmailable shall be held at the post office where detained for a period of fifteen days, unless extended by the Judicial Officer, from the date of the departmental decision. During that time the mailer may make application for the withdrawal of the matter. The Judicial Officer shall order the matter returned to the mailer or otherwise disposed of in accordance with 39 U.S.C. 4001.

PART 204—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION OR ANNULMENT OF SECOND-CLASS MAIL PRIVILEGES

Sec.

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AUTHORITY: §§ 204.1 to 204.23 issued under R.S. 161, as amended; 74 Stat. 554; 5 U.S.C. 22, 39 U.S.C. 309, 501.

§ 204.1 Scope of rules.

The rules of practice shall apply to all Post Office Department proceedings concerning applications, denials, suspensions and revocations of second class permits arising under 39 U.S. Code 4351, 4352, 4353, 4354, 4355, 4356, and 4369.

§ 204.2 Informal dispositions.

These rules do not preclude the informal disposition of second class permit matters before or after institution of proceedings.

§ 204.3 Office, business hours.

The offices of the officials mentioned in these rules are located at the Post Office Department, 12th and Pennsylvania Avenue NW., Washington 25, D.C., and are open Monday through Friday from 8:45 a.m. to 5:15 p.m.

§ 204.4 Application.

A publisher may file an application for entry of a publication as second class mail (Part 22 of this chapter). The Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, rules upon all applications. If he denies the application he shall notify the publisher specifying the reasons for his denial and attaching a copy of these rules. Before taking action on an application, the Director may call upon the publisher for additional information or evidence to support or clarify the application. Failure of the publisher to furnish such information or evidence may be cause for the Director to deny the application as incomplete or, on its face, not fulfilling the requirements for entry.

§ 204.5 Revocation.

When the Director determines that a publication is no longer entitled to the permit, he may issue a ruling of suspension or revocation to the publisher at the last known address of the office of publication stating the reasons and attaching a copy of these rules.

§ 204.6 Failure to appeal proposed action.

A ruling of the Director shall become final upon failure of the publisher to file a petition in accordance with the requirements of § 204.7.

§ 204.7 Pleading.

(a) *Place of filing.* Parties shall file documents of record in triplicate, unless otherwise ordered by the presiding officer after intervention pursuant to § 204.9 with the Docket Clerk of the Post Office Department, who shall cause copies to be delivered to the other parties and to the presiding officer. The Docket Clerk shall maintain a docket and the files in all proceedings.

(b) *Petition.* A publisher may appeal from a ruling of the Director by filing a petition within 15 days of the receipt of the ruling unless extended by the Director. The petition shall state the reasons the publisher believes the ruling of the Director is erroneous and shall affirmatively show compliance with each provision of law or regulation on which the ruling was based.

(c) *Notice of hearing.* Upon receipt of the petition the Docket Clerk shall set a date for the hearing and issue a notice of hearing to the parties stating the time and place of the hearing, the date for filing an answer, and the name of the presiding officer assigned pursuant to § 204.13.

(d) *Answer.* The Director shall answer the petition within 15 days after filing and admit or deny each allegation of the petition.

(e) *Amendment.* An amendment of a pleading may be offered by any party at any time prior to the close of the hearing.

§ 204.8 Default.

If the publisher fails to appear at the hearing the presiding officer shall receive the evidence of the Director and render an initial decision (§ 204.18) from which either party may appeal (§ 204.19).

§ 204.9 Intervention.

To intervene a person not a party to the proceeding shall file an application in writing not less than three days before the time fixed for hearing. The application shall state whom the potential intervenor represents, his interest, the extent to which he desires to participate, and the evidence he seeks to introduce. The presiding officer shall grant an application to intervene upon a proper showing of interest. Participation of an intervenor shall be limited to the filing of a brief before the presiding officer.

§ 204.10 Hearings.

Hearings are held in Room 5241, Post Office Department, Washington 25, D.C., or other locations designated by the presiding officer.

§ 204.11 Change of place of hearing.

Not later than the date fixed for the filing of the answer, a party may file a request that a hearing be held to receive evidence in his behalf at a place other than that designated for hearing in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify;

(c) The reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 204.12 Appearances.

(a) The General Counsel of the Post Office Department or a member of his staff designated by him shall represent the Director.

(b) A publisher or intervenor may appear and be heard in person or by attorney. Attorneys may practice before the Department in accordance with Part 202 of this chapter.

(c) An attorney representing a publisher or intervenor shall file a written authorization from the publisher or intervenor before he may participate in the proceeding. The publisher or intervenor must promptly file a notice of change of attorneys.

(d) When a publisher or intervenor is represented by an authorized attorney all subsequent pleadings shall be served upon the attorney.

§ 204.13 Presiding officers.

(a) The Docket Clerk shall assign a case to a hearing examiner, so far as practical upon rotation, to preside over the hearing. The hearing examiner shall be qualified pursuant to the Administrative Procedure Act (5 U.S.C. 1010).

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon matters of evidence and procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs on any matter upon which he is required to rule;

(7) Order pre-hearing conferences for the settlement or simplification of issues by consent of the parties;

(8) Order the proceeding re-opened at any time prior to his decision for the receipt of additional evidence;

(9) Render an initial decision.

§ 204.14 Judicial Officer.

The Judicial Officer is authorized to render a final departmental decision for the Postmaster General. He will consider the entire record including the initial decision and the exceptions to that decision. Before any final agency decision has been rendered, he may order the hearing reopened for the hearing examiner to take additional evidence.

§ 204.15 Procedure.

(a) *Evidence.* The general rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States apply. The rules may be relaxed to the extent that the presiding officer may deem proper to insure an adequate and fair hearing. The presiding officer may exclude irrelevant or repetitious evidence.

(b) *Subpoenas.* The Post Office Department is not authorized to issue subpoenas.

(c) *Depositions.* Depositions may be taken in accordance with § 201.24 of this chapter.

(d) *Fees.* The Post Office Department does not pay fees and expenses for witnesses or depositions of the publisher or intervenor.

§ 204.16 Transcript.

(a) A contract reporter of the Post Office Department under the supervision of the presiding officer shall report hearings. The reporter shall supply the parties with copies of the transcript at rates not to exceed those fixed by contract between the Department and the reporter.

(b) Changes in the official transcript may be made only when they involve substantial errors. A party may file a motion for correction of the official transcript within 10 days after his receipt of the transcript or any part thereof. Other parties shall notify the presiding officer in writing if they concur with the requested corrections. The presiding officer shall then specify the corrections to be made in the transcript. He may on his own initiative order corrections in the transcript after notice to the parties subject to their objection.

§ 204.17 Proposed findings and conclusions.

(a) A party to a proceeding may submit proposed findings of fact and conclusions of law to the presiding officer. The presiding officer shall determine whether they shall be oral or written. The presiding officer may require parties to a proceeding to submit proposed findings of fact and conclusions of law with supporting reasons. When the proposed findings are not submitted orally they shall be filed within 15 days after delivery of the official transcript to the Docket Clerk. The Docket Clerk shall notify the parties of the filing date which shall be the same for both parties. If not submitted by that date, the findings will not be considered or included in the record.

(b) Except when presented orally before the close of the hearing, proposed findings of fact shall be set forth in numbered paragraphs and shall state with particularly all evidentiary facts in the record with appropriate citations to the transcript or exhibits relied upon to support the conclusions proposed. Each proposed conclusion shall be separately stated.

§ 204.18 Initial decision.

(a) Upon request of either party the presiding officer may render an oral initial decision at the close of the hearing when the nature of the case and the public interest warrant. If a party desires an oral initial decision he shall notify the presiding officer and the opposing party at least 5 days prior to the date set for hearing. Parties may then submit proposed findings orally or in writing at the conclusion of the hearing.

(b) If an oral initial decision is not rendered, the presiding officer shall render a written initial decision at the earliest possible date. The initial decision shall become the final departmental decision unless it is appealed.

(c) The initial decision shall include findings upon all material issues of fact and law presented on the record and the reasons for those findings.

§ 204.19 Appeal and final decision.

(a) A party may appeal to the Judicial Officer from an initial decision by filing exceptions in a brief on appeal within 15 days from the receipt or oral rendition of the initial decision.

(b) Upon receipt of the appeal brief the Judicial Officer shall set the date for the filing of the reply brief. No additional briefs shall be received unless requested by the Judicial Officer.

(c) Appeal briefs shall contain the following matter in the order indicated:

(1) A subject index of the matters presented with page references;

(2) A table of cases alphabetically arranged;

(3) A list of statutes and texts cited with page references;

(4) A concise abstract or statement of the case;

(5) Numbered exceptions to the findings and conclusions of the presiding officer and the reasons for the exceptions.

§ 204.20 Continuances.

Continuances or extensions may be granted for substantial cause shown by the presiding officer or by the Judicial Officer when the proceeding is on appeal.

§ 204.21 Computation of time.

A designated period of time under these rules excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday or holiday, in which event the period runs until the close of business on the next working day.

§ 204.22 Official record.

The pleadings, orders, exhibits, transcript of testimony, briefs, decisions and other documents filed in the proceeding constitute the official record of the proceeding.

§ 204.23 Public information.

The Law Librarian of the Post Office Department maintains for public inspection in the Law Library copies of all initial and departmental decisions. The Docket Clerk of the Post Office Department maintains a complete official record of every proceeding. A person may examine a record upon authorization by the Judicial Officer.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-11500; Filed, Dec. 5, 1961; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (36) is added to paragraph (a) of § 6.342 as set out below.

§ 6.342 Housing and Home Finance Agency.

(a) *Office of the Administrator.*

* * *

(36) One Secretary to the Special Assistant to the Administrator.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-11504; Filed, Dec. 5, 1961; 8:45 a.m.]