

determine and define the boundaries of the community or communities for whose benefit the unit is established. Upon establishment, the Secretary is then authorized to sell, subject to such conditions and requirements as he deems necessary, National Forest timber and other forest products from the sustained yield unit without competitive bidding. The sale must be at prices not less than appraised value and to responsible purchasers within the community or communities dependent thereon. As we understand the petition's proposal, the Secretary would, as a condition of the sale, require primary manufacture within the defined community dependency area. 3/

Your memorandum states that in previous consideration of establishing Federal Sustained Yield Units, the rule was adopted that "primarily dependent" means that more than 50 percent of the economy of the dependent community was dependent upon processing National Forest timber and that this includes both employees directly working for companies processing National Forest timber and service industry employees which could be considered to be dependent upon those directly employed in such forest products work. In that connection, you ask us whether it is legally possible to construe "primarily dependent" more liberally than this previously used guideline, and if so, what is a practical working definition of minimum requirements to meet this condition of section 3 of the act.

Courts have defined the word "primarily" to mean chiefly, principally, essentially, mainly, preeminently and in the first place. Agnew v. Board of Governors of Federal Reserve System, 153 F. 2d 785 (1946); People ex rel. Breuning v. Berry, 147 C.A. 2d 33, 304 P. 2d 818 (1956); Friedman Textile Co. v. Northland Shopping Center, Inc., 321 S.W. 2d 9 (1959). Under such definitions, we think the interpretation and application you have ascribed to the phrase "primarily dependent" is a reasonable one. We feel that this is one of the determinations, the practical effect of which is to limit the size of a dependent community area. You have implied doubt, which

3/ The regulations (36 C.F.R. 221.4) implementing the Sustained Yield Forest Management Act of 1944, supra, authorized the requirement that timber be manufactured to at least a stated degree within the dependent community or communities to be benefited by the establishment of the sustained yield unit.