

In view of the express treatment by Congress in another section of the same act (16 U.S.C. 476) of the problem of export, we do not believe that Congress intended in using the phrase "to furnish a continuous supply of timber for the use and necessity of the citizens of the United States" to thereby set forth an export control authority.

Questions 5 and 6: Your question regarding the authority of the Secretary to withhold awards of timber sales under Regulation S-10 (36 C.F.R. 221.10) to firms engaged in the log exporting business and your question regarding whether there is any other basis to regulate log exports of timber cut from the National Forests are considered together.

As shown above, the Secretary of Agriculture, in our opinion, has no authority, except where the supply for local use is endangered, to restrict the sale of National Forest timber merely to insure its processing in certain States or in the United States rather than foreign countries. We think he does have the authority under appropriate circumstances, however, to require that timber cut and removed from the National Forest be processed to at least some degree in a particular place or area, provided such requirement reasonably relates to the furtherance of the purposes for which the National Forests were created and to their protection, management, and utilization of the timber thereon. Some of these purposes were set forth above in 16 U.S.C. 475, including the furnishing of a continuous supply of timber for the use and necessity of United States citizens.

Other purposes are set forth elsewhere in the act of June 4, 1897 (16 U.S.C. 476), and in the Multiple Use - Sustained Yield Act of June 12, 1960 (74 Stat. 225; 16 U.S.C. 528 - 531). 6/

6/ The Act of June 4, 1897 (16 U.S.C. 476) provides:

"For the purpose of preserving the living and growing timber and promoting the younger growth on national forests, and Secretary of Agriculture, under such rules and regulations as he shall prescribe, may cause to be designated and appraised so much of the dead, matured, or large growth of trees found upon such national forests as may be compatible with the utilization of the forests