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## Codification Guide

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1964, and specifies how they are affected.

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# Presidential Documents

## Title 3—THE PRESIDENT

### Proclamation 3576

#### PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1964

By the President of the United States of America

##### A Proclamation

WHEREAS April 14, 1964, marks the seventy-fourth anniversary of the establishment by the American Republics of the inter-American system which is now known as the Organization of American States; and

WHEREAS relations between the United States and the other American Republics are of utmost concern to this Nation since we believe that mutual problems of the various republics must be resolved in a spirit of friendship and understanding; and

WHEREAS the United States is firmly and traditionally committed to the concept that every American nation has the right and duty to govern itself, free from outside dictation or coercion from any quarter, and that every citizen of the Americas has the right to speak his views, worship God in his own way, and participate in the political life of his nation; and

WHEREAS mutual efforts to increase the solidarity and well-being of the peoples of the Americas over the years have evolved into an Alliance for Progress; and

WHEREAS the United States, in its traditional spirit of cooperation and amity, has pledged the energies of this Nation to the achievement of the common goals expressed in the Charter of Punta del Este by engaging in a relentless war upon poverty, social injustice, and tyranny:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim Tuesday, April 14, 1964, as Pan American Day and the week beginning April 12 and ending April 18 as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the United States flag to issue similar proclamations.

Mindful of the vast tasks that still lie before us if the material progress and the social advancement of the Americas are to match the spiritual and cultural achievements of the republics of this Hemisphere, I urge all citizens of the United States and all interested organizations to join their Government in helping to make both Pan American Day and Pan American Week occasions for the recognition of past achievements, and for this Nation's rededication to the ideals of the inter-American system, and to the principles and objectives of the Charter of the Organization of American States and the Charter of Punta del Este. For on the maintenance of these ideals and the achievement of these objectives depends the future of freedom, human dignity, and national independence in this Hemisphere.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

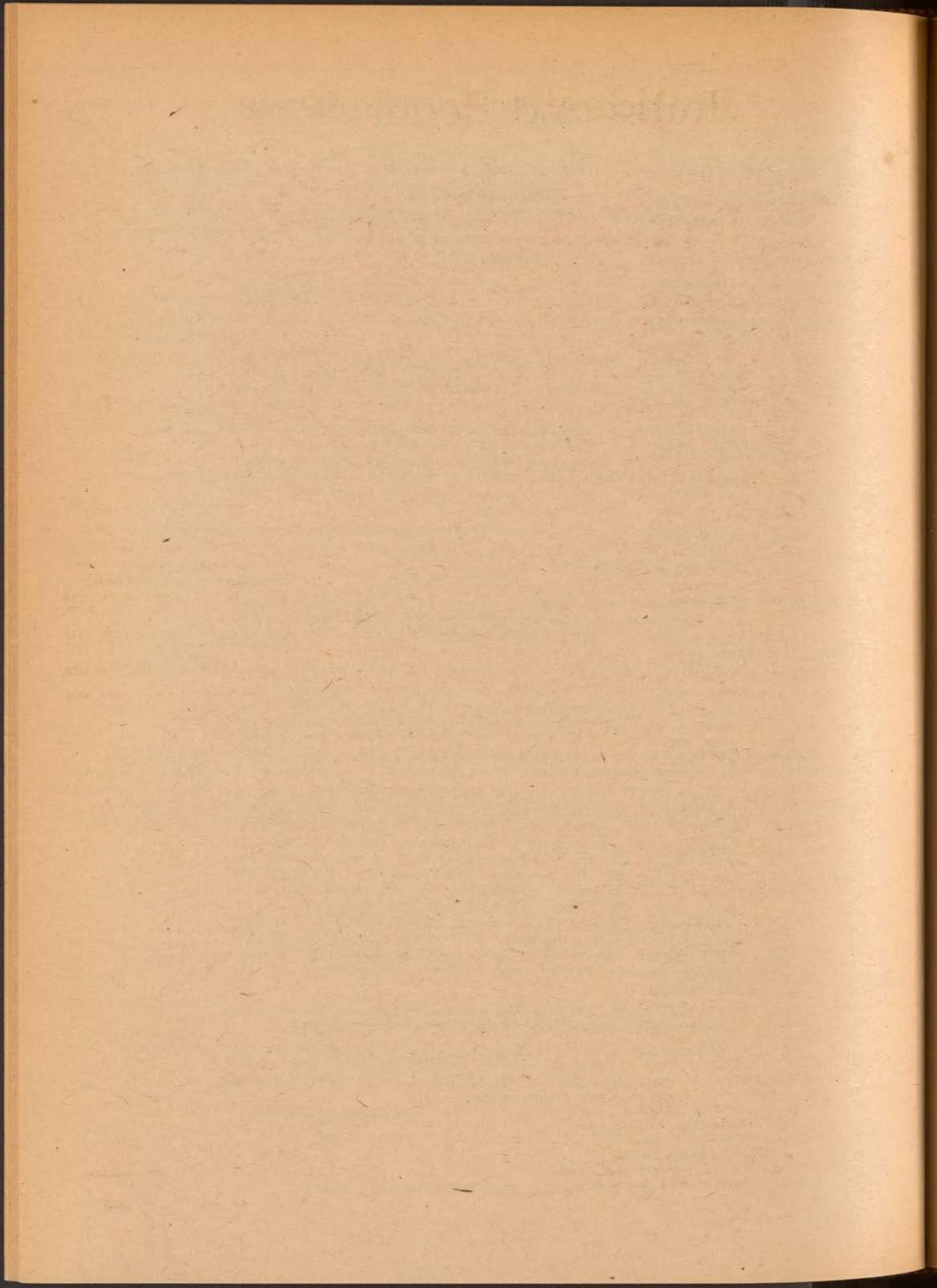
DONE at the City of Washington this Second day of March in the year of our Lord nineteen hundred and sixty-four, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,  
*Secretary of State.*

[F.R. Doc. 64-2208; Filed, Mar. 4, 1964; 10:23 a.m.]



# Rules and Regulations

## Title 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

#### PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

##### Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective January 5, 1964 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective July 30, 1963, as amended October 2, 1963 and January 4, 1964 (28 R.R. 7718, 10564, 14485), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to, deleting from, or amending the respective "lists" therein, as follows:

##### WITHIN METROPOLITAN AREA

###### ONE HOUR

Add: Andrews AFB, Md.

Amend: The item in this list relating to Dulles International Airport is amended to read: "Dulles International Airport, Loudoun County, Va."

###### TWO HOURS

Delete: Andrews AFB, Md.

##### OUTSIDE METROPOLITAN AREA

###### TWO HOURS

Amend: The item in this list relating to Arlington, Va., is amended to read: "Arlington, Va. (served from Andrews AFB, Md., Baltimore, Md., or Dulles International Airport, Va.)."

###### THREE HOURS

Amend: The item in this list relating to Andrews AFB, Md., is amended to read: "Andrews AFB, Md. (served from Baltimore, Md., or Dulles International Airport, Va.)."

Add: Dulles International Airport, Va. (served from Andrews AFB, Md. or Baltimore, Md.).

Delete: Hopewell, Va. (served from Norfolk, Va.).

Delete: Richmond, Va. (served from Norfolk, Va.).

Add: Any undesignated Maryland or Virginia port served from Andrews AFB, Md. or Dulles International Airport, Va.

Add: Any undesignated Virginia port served from Norfolk-Newport News, Va.

###### FOUR HOURS

Add: New Haven, Conn. (served from New York, N.Y.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such

travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective March 5, 1964.

Done at Hyattsville, Md., this 28th day of February 1964.

[SEAL]

F. A. JOHNSTON,

Director,

Plant Quarantine Division.

[F.R. Doc. 64-2136; Filed, Mar. 4, 1964; 8:48 a.m.]

### Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

#### SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Supp. 6]

##### PART 842—BEET SUGAR AREA

#### Approved Local Areas for 1962 Crop

##### § 842.8 Approved local areas for the 1962 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1962-crop sugarbeets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugarbeets on farms in each such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugarbeets planted on all farms in such county or local producing area.

###### (a) California.

Alameda.  
Butte.  
Colusa.  
Contra Costa.  
Fresno.  
Glenn.  
Kern.  
Kings.  
Los Angeles.  
Madera.

###### ENTIRE COUNTIES

Merced.  
Monterey.  
Sacramento.  
San Benito.  
San Joaquin.  
San Luis Obispo.  
Santa Barbara.  
Santa Clara.  
Santa Cruz.  
Solano.

Stanislaus.  
Sutter.  
Tulare.

###### (b) Colorado.

Adams.  
Bent.  
Boulder.  
Delta.  
Kit Carson.  
Larimer.  
Las Animas.

Ventura.  
Yolo.  
Yuba.

###### ENTIRE COUNTIES

Logan.  
Morgan.  
Otero.  
Prowers.  
Pueblo.  
Washington.  
Weld.

###### COUNTY AND AREAS

###### INDIVIDUAL LOCAL PRODUCING AREAS

Baca: T29S, R44W.  
Montrose: T48N, R10W; T50N, R11W.  
Sedgwick: T11N, R47W; T12N, R46W.

###### (c) Idaho.

###### ENTIRE COUNTIES

Ada.  
Bingham.  
Bonneville.  
Canyon.  
Caribou.  
Cassia.  
Elmore.  
Fremont.  
Gem.

Gooding.  
Jefferson.  
Jerome.  
Madison.  
Minidoka.  
Oneida.  
Power.  
Twin Falls.  
Washington.

###### COUNTY AND AREAS

###### INDIVIDUAL LOCAL PRODUCING AREAS

Bannock: T9S, R36E; T9S, R37E; T9S, R38E; T9S, R39E; T10S, R36E; T10S, R37E; T11S, R37E.  
Franklin: T11S, R41E; T13S, R38E; T14S, R38E; T15S, R40E; T16S, R38E.  
Lincoln: T7S, R23E.  
Owyhee: T4N, R5W; T5S, R3E; T5S, R2E; T2N, R5W.  
Payette: T6N, R5W; T7N, R5W; T8N, R5W; T7N, R4W.

###### (d) Illinois.

###### ENTIRE COUNTIES

Cook

###### (e) Iowa.

###### ENTIRE COUNTIES

Cerro Gordo. Monona.  
Hancock.

###### (f) Kansas.

###### ENTIRE COUNTIES

Sherman. Wichita.  
Wallace.

###### (g) Michigan.

###### ENTIRE COUNTIES

Arenac. Lenawee.  
Bay. Midland.  
Clinton. Monroe.  
Genesee. Newaygo.  
Gladwin. Saginaw.  
Gratiot. St. Clair.  
Huron. Sanilac.  
Isabella. Shiawassee.  
Lapeer. Tuscola.

###### (h) Minnesota.

###### ENTIRE COUNTIES

Clay. West Polk.  
Faribault. Redwood.  
Freeborn. Renville.  
Kittson. Sibley.  
Lac qui Parle. Swift.  
Meeker. Wilkin.  
Nicollet. Yellow Medicine.  
Norman.

## COUNTY AND AREAS

## INDIVIDUAL LOCAL PRODUCING AREAS

Traverse: Gorton, Dollymount.

## (i) Montana.

## ENTIRE COUNTIES

Big Horn.	Prairie.
Broadwater.	Rosebud.
Carbon.	Stillwater.
Lake.	Treasure.
Phillips.	Yellowstone.

## (j) Nebraska.

## ENTIRE COUNTIES

Box Butte.	Kearney.
Brown.	Keith.
Buffalo.	Lincoln.
Cheyenne.	Merrick.
Dawes.	Morrill.
Dawson.	Phelps.
Deuel.	Red Willow.
Franklin.	Scottsbluff.
Furnas.	Sheridan.
Hall.	Sioux.
Hamilton.	Valley.

## COUNTY AND AREAS

## INDIVIDUAL LOCAL PRODUCING AREAS

Clay: T8, R7; T7, R7; T6, R7.  
Dundy: T1, R42.

## (k) New Mexico.

## ENTIRE COUNTIES

Torrence

## (l) North Dakota.

## ENTIRE COUNTIES

Cass.	Stelle.
Grand Forks.	Trall.
Pembina.	Walsh.
Richland.	

## (m) Ohio.

## ENTIRE COUNTIES

Allen.	Ottawa.
Defiance.	Paulding.
Erie.	Putnam.
Fulton.	Sandusky.
Hancock.	Seneca.
Hardin.	Van Wert.
Henry.	Wood.
Lucas.	Wyandot.

## (n) Oregon.

## ENTIRE COUNTIES

Malheur

## COUNTY AND AREAS

## INDIVIDUAL LOCAL PRODUCING AREAS

Umatilla: T6N, R34E.

## (o) South Dakota.

## ENTIRE COUNTIES

Beadle.	Sanborn.
Brookings.	Spink.
Butte.	Turner.
Clay.	Union.
Lawrence.	

## (p) Texas.

## ENTIRE COUNTIES

Castro.	Hale.
Deaf Smith.	

## (q) Utah.

## ENTIRE COUNTIES

Cache.	Juab.
Carbon.	Utah.
Emery.	

## COUNTY AND AREAS

## INDIVIDUAL LOCAL PRODUCING AREAS

Sevier: Community A.

## (r) Washington.

## ENTIRE COUNTIES

Walla Walla

## COUNTY AND AREAS

## INDIVIDUAL LOCAL PRODUCING AREAS

Benton: T9N, R24E.  
Franklin: T12N, R29E; T14N, R29E; T12N, R30E; T4N, R31E; T11N, R29E.

## (s) Wyoming.

## ENTIRE COUNTIES

Big Horn.	Hot Springs.
Converse.	Laramie.
Fremont.	Platte.
Goshen.	Washakie.

## COUNTY AND AREAS

## INDIVIDUAL LOCAL PRODUCING AREAS

Park: T53N, R101W; T54N, R98W; T54N, R100W; T55N, R98W.

## STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a sugarbeet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarbeet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1962 crop of sugarbeets and that any sugarbeet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on February 28, 1964.

CHAS. M. COX,  
Acting Deputy Administrator,  
State and County Operations.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2162; Filed, Mar. 4, 1964;  
8:50 a.m.]

[Sugar Determination 846.3, Supp. 4]

## PART 846—HAWAII

Approved Local Areas for 1963 Crop  
§ 846.7 Approved local areas for the 1963 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1963-crop sugarcane, the State Executive Director of the Hawaii Agricultural Stabilization and Conservation Service State Office has determined with respect to the following local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugarcane on farms in such area were below 80 percent of the applicable normal

yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugarcane planted on all farms in such area.

(a) *Hamakua producing area.* The combined mill areas of the Honokaa Sugar Company, Paauhau Sugar Company, Limited, and the Hamakua Mill Company located on the coastal areas of the Hamakua section of the northern portion of the County of Hawaii, and generally bounded on the upper side below the 2,300-foot elevation contour, lower regions by the ocean, and coastwise, on the Hilo side, by the Kaala Gulch, and Waipio Valley on the Kohala side.

(b) *Kohala producing area.* The Kohala Sugar Company mill unit located in the North Kohala area of the County of Hawaii, and bounded on the south by Kohala Mountain Forest Reserve and Parker Ranch land, on the north by the ocean, on the east by Pololu Valley, and on the west by Kahua and Parker Ranch lands.

## STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a sugarcane producer in Hawaii for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a local producing area in which the State Executive Director of the Hawaii Agricultural Stabilization and Conservation Service State Office determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarcane crop.

The purpose of this supplement is to give notice that specified local producing areas have qualified under the requirements with respect to the 1963 crop of sugarcane and that any sugarcane producer operating a farm located in such areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; sec. 303, 61 Stat. 930, as amended; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on February 28, 1964.

CHAS. M. COX,  
Acting Deputy Administrator,  
State and County Operations.

FEBRUARY 28, 1964.

[F.R. Doc. 64-2163; Filed, Mar. 4, 1964;  
8:50 a.m.]Chapter IX—Agricultural Marketing  
Service (Marketing Agreements and  
Orders; Fruits, Vegetables, Tree  
Nuts), Department of AgriculturePART 987—DOMESTIC DATES PRO-  
DUCED OR PACKED IN A DESIG-  
NATED AREA OF CALIFORNIASubpart—Administrative Rules and  
RegulationsMINIMUM SIZE REQUIREMENTS FOR FIELD-  
RUN DATES

Notice was published in the February 5, 1964 issue of the FEDERAL REGISTER (29

**Title 16—COMMERCIAL PRACTICES**

**Chapter I—Federal Trade Commission**

[Docket 8391]

**PART 13—PROHIBITED TRADE PRACTICES**

**Central Arkansas Milk Producers Association, Inc., et al.**

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Combining or conspiring: § 13.430 *To enhance, maintain or unify prices.* Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Central Arkansas Milk Producers Association, Incorporated, et al., Little Rock, Ark., Docket 8391, Feb. 7, 1964]

*In the Matter of Central Arkansas Milk Producers Association, Incorporated, a Corporation, and David L. Parr, Individually and as Secretary-Manager of Central Arkansas Milk Producers Association, Incorporated*

Order requiring an association of some 1,500 dairy farmers in Arkansas, Louisiana, Texas, Oklahoma, and Missouri, engaged in the sale and distribution to processors of raw milk produced by its members and also by nonmembers, to cease conspiring to fix or establish prices, terms or conditions of sale of raw milk; urging or inducing any milk processor to buy all his raw milk requirements from it by use of threats, coercion, etc.; charging or granting different premiums, surcharges, terms or conditions of sale in excess of the minimum requirements of a marketing agreement issued by the Secretary of Agriculture, to competing purchasers regulated by the agreement; and charging or granting different prices, terms or conditions of sale to competing purchasers not wholly regulated by said marketing agreement, with exceptions as set forth in the order below.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent Central Arkansas Milk Producers Association, Inc., a corporation, named in the complaint as Central Arkansas Milk Producers Association, Incorporated, and respondent David L. Parr, individually, and as Secretary-Manager of Central Arkansas Milk Producers Association, Inc., and their officers, agents, representatives, and employees, either directly or through any corporate or other device, in connection with the sale and distribution of milk in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Entering into, continuing, cooperating in or carrying out any conspiracy between or among any one or more of said respondents and others not parties hereto, to fix or establish prices, terms, or conditions of sale of raw milk, or any conspiracy to do or perform any of the acts or practices otherwise prohibited by this order.

*It is further ordered,* That the said respondents Central Arkansas Milk Producers Association, Inc., and David L. Parr, their officers, agents, representatives and employees, either directly or through any corporate or other device, in connection with the sale and distribution of milk in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Urging, inducing, coercing, or attempting to urge, induce or coerce, any processor or handler of milk to buy or to contract to buy all or any of his raw milk requirements from respondents by using threats, coercion or other predatory tactics.

*It is further ordered,* That the said respondents Central Arkansas Milk Producers Association, Inc., and David L. Parr, their officers, agents, representatives and employees, either directly or through any corporate or other device, in connection with the sale and distribution of milk in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Charging or granting, for milk of like grade, quality and utilization, different premiums, surcharges, terms or conditions of sale in excess of the minimum requirements of a marketing agreement or order issued by the Secretary of Agriculture pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, to competing purchasers fully regulated by the same marketing agreement or order; provided, that respondents when acting in the capacity of a handler as defined in a marketing agreement or order may charge or grant prices, terms, or conditions of sale different than those charged or granted when acting in the capacity of a cooperative association as defined in a marketing agreement or order for such milk, so long as the said prices, terms, or conditions are uniformly applied by respondents acting in each capacity to all competing customers fully regulated by the same marketing agreement or order.

2. Charging or granting different prices, terms or conditions of sale, for milk of like grade and quality or utilization, to competing purchasers wholly unregulated or partially regulated by a marketing agreement or order; provided, that where such wholly unregulated or partially regulated purchasers compete in fact with others fully regulated by a marketing agreement or order, respondents may in good faith charge or grant the prices, terms, or conditions of sale which would be applicable if all such purchasers were fully regulated by the same marketing agreement or order.

F.R. 1737) regarding a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations §§ 987.100 to 987.174) by revising § 987.145 (f) (4) (i) so as to provide minimum size requirements for field-run dates, to be withheld from handling to meet restricted obligations, of any variety for which minimum size requirements for restricted dates are in effect. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendations submitted by the Date Administrative Committee, and other available information, it is concluded that the proposed amendment, as hereinafter set forth, of the administrative rules and regulations will provide, for field-run dates, minimum size requirements in appropriate relationship to those prescribed for restricted dates, is in accordance with this part, and will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That Subpart—Administrative Rules and Regulations (§§ 987.100 to 987.174) is hereby amended by revising paragraph (f) (4) (i) of § 987.145 to read:

§ 987.145 Volume regulation.

(f) *Withholding and disposition of field-run dates.* \* \* \*

(4) *Requirements for eligible field-run dates.* \* \* \*

(i) At least 70 percent, by weight, of the dates in the sample are sound dates which, after normal processing and with respect to size and for the factors of color, uniformity of size, and character, would meet the effective minimum requirements for restricted dates exclusive of those for export to approved countries other than Mexico ("sound dates" meaning dates which are free of defects, other than those removable by washing, that are scored pursuant to the effective United States Standards for Grades of Dates); and

(Sec. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated February 28, 1964, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,  
Deputy Director,

Fruit and Vegetable Division.

[F.R. Doc. 64-2137; Filed, Mar. 4, 1964; 8:48 a.m.]

*Provided, however,* That nothing herein contained shall prevent any association of producers of milk, acting as an agricultural cooperative pursuant to and in accordance with the provisions of the Capper-Volstead Act (C. 57, 42 Stat. 388); (C. 725, 44 Stat. 802); section 6 of the Clayton Act (C. 323, 38 Stat. 730, 731); and the Agricultural Marketing Agreement Act of 1937, as amended (C. 296, 50 Stat. 246), from performing any of the acts and practices permitted by said acts or other applicable law.

*It is further ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-2133; Filed, Mar. 4, 1964;  
8:48 a.m.]

[Docket 7474 o.]

### PART 13—PROHIBITED TRADE PRACTICES

#### Borden Co.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.715 *Charges and price differentials.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, The Borden Company, New York, N.Y., Docket 7474, Feb. 7, 1964]

Order requiring a corporation engaged in purchasing, processing and distributing fluid milk and other dairy products throughout the United States, to cease discriminating in price in violation of section 2(a) of the Clayton Act by selling fluid milk to any purchaser at a lower price than to another purchaser competing in resale of the milk; and selling milk to any purchaser in a trading area where it competes with another seller, at a lower price than to a purchaser at the same level of trade in another trading area.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent, The Borden Company, a corporation, and its officers, representatives, agents and employees, directly or through any corporate device, do forthwith cease and desist from discriminating, directly or indirectly, in the price of fluid milk of like grade and quality:

1. By selling such milk to any purchaser at a net price lower than the net price charged any other purchaser who competes in the resale of such milk with the purchaser paying the lower price.

2. By selling such milk to any purchaser in any trading area where respondent is in competition with another seller, at a price which is lower than the price charged any purchaser at the same level of trade in another trading

area; provided, however, that this shall not prohibit respondent from selling fluid milk in any trading area at a price which is not less than the regularly established price of any competitor in that area for fluid milk of comparable grade and quality.

*It is further ordered,* That respondent, The Borden Company, a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist set forth herein.

Issued: February 7, 1964.

[SEAL] JOSEPH W. SHEA,  
Secretary.

[F.R. Doc. 64-2145; Filed, Mar. 4, 1964;  
8:49 a.m.]

### Title 13—BUSINESS CREDIT AND ASSISTANCE

#### Chapter I—Small Business Administration

[Revision 4, Amdt. 2]

#### PART 121—SMALL BUSINESS SIZE STANDARDS

##### Definition of Small Business for Sales of Government Property

On December 7, 1963, there was published in the FEDERAL REGISTER (28 F.R. 13320) a notice that the Administrator of the Small Business Administration proposed to amend the definition of a small business concern for the sales of Government-owned timber.

Under the proposed amendment, in connection with the sale of Government-owned timber, a concern would be considered as small if, together with its affiliates, its number of employees does not exceed 500 persons.

Interested persons were given an opportunity to present their comments or suggestions pertaining thereto to the Size Standards Division. After consideration of all such relevant matters regarding the proposed size standard in connection with the sale of Government-owned timber, the amendment set forth below is hereby adopted.

The Small Business Size Standards Regulation (Revision 4) (29 F.R. 86) is hereby amended by deleting § 121.3-9(b) (1) (iv) and substituting in lieu thereof new § 121.3-9(b) (1) (iv) as follows:

##### § 121.3-9 Definition of small business for sales of Government property.

(b) *Sales of Government-owned timber.* (1) In connection with the sale of Government-owned timber, a small business is a concern that:

(iv) Together with its affiliates, its number of employees does not exceed 500 persons.

Effective date: This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: February 27, 1964.

EUGENE P. FOLEY,  
Administrator.

[F.R. Doc. 64-2107; Filed, Mar. 4, 1964;  
8:46 a.m.]

### Title 14—AERONAUTICS AND SPACE

#### Chapter I—Federal Aviation Agency

[Regulatory Docket No. 4027; Amdts. 1-3;  
61-6; 91-2]

#### PART 1—DEFINITIONS AND ABBREVIATIONS [NEW]

#### PART 42a—CERTIFICATION AND OPERATION RULES FOR COMMERCIAL OPERATORS AND AIR TAXI OPERATORS; SMALL AIRCRAFT

#### PART 47—AIR TAXI CERTIFICATION AND OPERATION RULES AND RULES GOVERNING OTHER SMALL AIRCRAFT COMMERCIAL OPERATIONS

#### PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

#### PART 91—GENERAL OPERATING AND FLIGHT RULES [NEW]

#### PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT [NEW]

##### Miscellaneous Amendments

This amendment amends Chapter I, Title 14, Code of Federal Regulations, by (1) rescinding Part 47 of the Civil Air Regulations (which never became effective), (2) amending Part 1 [New] of the Federal Aviation Regulations to add certain definitions, (3) amending Part 61 [New] of the Federal Aviation Regulations to make subparagraph (c) of § 61.47 applicable to operations under this Part, (4) amending Part 91 [New] of the Federal Aviation Regulations to make the IFR takeoff minimums of § 91.117(a) applicable to operations under this part, and (5) adding to that chapter a new Subchapter G "Air Carrier and Commercial Operator Certification and Operations" [New], consisting of Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft [New]. Part 135 [New] replaces the air taxi provisions now designated as Part 42a.

In the "Outline and Analysis" for the proposed recodification, contained in Draft Release No. 61-25 and published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698), provision was made for a new Subchapter G "Air Carrier and Commercial Operator Certification and Operations". This amendment, as the first final rule to be published in that subchapter, adds the new Subchapter G to Chapter I of Title 14. Other new parts will be added to the subchapter at a later date in conformity with the "Out-

line and Analysis" or as a result of rule making procedures.

Regulatory provisions relating to "Air Taxi Operators and Commercial Operators using Small Aircraft" were originally published as a notice of proposed rule making and were subsequently promulgated as Part 47 by the Civil Aeronautics Board. The final rule was published in the FEDERAL REGISTER (24 F.R. 91), but the effective date was postponed indefinitely. A new proposed Part 47 was published August 6, 1960, as Draft Release 60-13. After reviewing the comments received on proposed new Part 47, the Agency then determined to produce the proposed Part in recodified form. A new notice of proposed rule making was published designating the part as Part 125 [New] which set forth the general substance of proposed Part 47 in codified form. That notice of proposed rule making was published on November 8, 1962 (27 F.R. 10900). Because of a required renumbering in the process of recodification of the other parts, proposed Part 125 [New], published herein, in its final form, is designated as Part 135 [New].

Part 135 [New] applies to air taxi operators and commercial operators using small aircraft. The Agency intends to issue a notice of proposed rule making to amend Special Civil Air Regulation SR-402 to require "star route" carriers using small aircraft to also conduct their operations under Part 135 [New].

Formerly, Special Civil Air Regulation SR-395A required air taxi operators to conduct operations under the air taxi provisions of Part 42. In the revision of Part 42 (effective November 11, 1963) the air taxi provisions were eliminated, necessitating promulgation of Special Civil Air Regulation SR-395B which perpetuated the air taxi provisions formerly in Part 42, redesignated them as 42a and extended the applicability clause to include air taxi operators and commercial operators using small aircraft. Special Civil Air Regulation SR-395B is rescinded by this rule along with Part 42a, since Part 135 [New] obviates the necessity for them.

The numbering of the sections as proposed in Part 125 as it appeared in Draft Release 62-48 has been changed and each section heading in this preamble relates to the new section as it appears in final form, although the comments are addressed to the sections as they appeared in the NPRM.

#### § 135.3

Section 135.3 clarifies the applicability of the other rules of this chapter to operations conducted under this part. Insofar as possible, the rules in this part are limited to those particularly applicable to operations under this part and, except when needed for clarity, other rules of the Federal Aviation Agency of more general applicability have not been repeated in this part, although persons operating under this part must comply with them.

#### § 135.9

Section 135.9 requires a person to obtain an air taxi/commercial operator (ATCO) certificate and operations speci-

fications prior to conducting any operation to which Part 135 [New] applies. Sections 135.1 and 135.9 are being made effective April 7, 1964. The remaining sections become effective September 7, 1964. Any person conducting an operation to which Part 135 [New] applies is permitted to continue to operate pending the issue or denial of a certificate and operations specifications if he applies for them before the effective date of the remainder of the part. However, when the entire part is effective and pending the issue or denial of a certificate, he must operate in accordance with the rules of Subpart C, D, and E of Part 135 [New].

#### § 135.19

Section 135.19 has been revised to include service of a notice of proposed amendment, amending the operations specifications, prior to formulating the actual amendment, in order to give affected persons an opportunity to comment and participate in the proposed changes, except in emergencies. This revision makes § 135.19 consistent with similar provisions in Parts 40, 41, and 42.

#### § 135.49

Comments received in respect to § 125.39 objected to the en route inspections by representatives of the Administrator to determine compliance with the Federal Aviation Act and applicable regulations. The Agency feels that this provision is necessary to permit it to determine compliance with this part and the other regulations applicable to operations conducted under this part. This section is compatible with the inspection authorization in the other air carrier parts and is being retained.

#### § 135.63

Draft Release 62-48 proposed the addition of a definition of "passenger" to Part 1 which would, in effect, permit the carriage of certain persons without compliance with the passenger carrying requirements of this part. This was to be done by excluding them from the "passenger" classification. After further consideration of this proposal, the Agency has concluded that it would be more appropriate to provide for this carriage within Part 135; therefore, § 135.63 has been included to accomplish this purpose.

#### § 135.73

Several comments received were in opposition to the requirement for a second in command when carrying passengers in IFR conditions as set forth in § 125.61. The Agency feels that safety warrants this requirement and it is being retained.

#### § 135.75

Section 135.75 specifies some instances in which a second in command is not required. Proposed § 125.63 did not permit a pilot to depart from an airport under IFR conditions and make an approach and landing at his destination under IFR conditions on any one flight, without a second in command. The Agency has determined that safety would not be compromised by allowing the combination of an IFR departure and an IFR approach and landing, under

the limited conditions set forth in § 135.75. These limitations require that VFR or VFR conditions over-the-top are reported and forecast to exist from a point no more than 15 miles from the departure airport to a point no more than 15 miles from the destination airport.

This section also allows IFR operations en route where unforecast marginal VFR conditions are encountered, and reports and forecasts indicate that the pilot will be able to return to VFR at least 15 miles before reaching the destination airport.

The Agency believes that it is safer to permit limited IFR operations by a qualified pilot with a properly equipped aircraft, without a second pilot, than it is to require him to fly under minimum VFR conditions with the consequent potential hazard of collision with other aircraft, ground obstacles, or rising terrain.

#### § 135.77

This section specifies the instances in which an autopilot system may be substituted for a second in command.

Many comments on this portion of the draft release objected to the proposed requirement that the autopilot systems be manufactured under an FAA Technical Standard Order (TSO) and, as such, be of a three-axis type. The principal reasons advanced for these objections were that there are few such autopilots suitable for use with small airplanes, that two-axis systems have been found to be more reliable than many three-axis systems, and that two-axis systems are adequate for single-pilot IFR operations.

Investigation has disclosed that the characteristics of some small airplanes are such that two-axis autopilot systems are capable of maintaining the airplane heading and attitude in flight and maneuvering it about the three axes.

After careful evaluation of this proposal, the Agency has concluded that the requirement that autopilot systems used under this section be manufactured under a TSO can be deleted without compromising safety; however, before its use will be approved the operator must demonstrate to the satisfaction of the Administrator that the autopilot system he proposes to use is capable of operating the controls of the airplane to maintain flight and maneuver it about the three axes.

#### § 135.79

Paragraph (b) of § 125.67 was revised by adding a limitation to the use of the autopilot system during an IFR approach in instances where the glide slope is limited for such use below certain altitudes or on certain segments of the approach.

#### § 135.83

Section 135.83 provides different requirements for the use of oxygen in unpressurized and pressurized aircraft. Since a pressurized aircraft, when it becomes depressurized or is being operated as an unpressurized aircraft, is for all practical purposes an unpressurized aircraft, § 135.83 makes the same require-

ments for both unpressurized and depressurized aircraft.

Many of the comments indicated that the minimum altitudes at which the use of oxygen is required should be increased. The experience of the Agency indicates that safety would be compromised by increasing these minimum altitudes.

#### § 135.85

Most of the comments received approved of § 125.73 in general but a number recommended that operation in or into light icing conditions and climb or descent through a light or moderate icing level be permitted in aircraft operated under this Part even though not equipped for deicing. Since light icing (in itself dangerous) may develop rapidly and without warning to moderate or heavy icing, the Agency has determined that operations into even light icing conditions without deicing equipment should be prohibited in the interest of safety. The prohibition against such operations is, therefore, being retained.

#### § 135.87

After review and consideration of the comments received relating to the proposed boundary or runway marker light requirements for night operations with helicopters, it was determined that, in view of the flight characteristics of these aircraft, the section could be revised to permit the use of reflecting material as an alternate method of outlining helicopter landing areas, without affecting safety.

#### § 135.91

In view of the flight characteristics of helicopters, and in response to comments received in regard to § 125.79(b) of the draft release, the proposed 300-foot minimum altitude for VFR operations with these aircraft has been made applicable only to operations over congested areas.

#### § 135.99

As proposed in the notice, § 125.87 permitted "VFR over-the-top" operations en route, carrying passengers, if the weather at the destination allowed descent under VFR or if the weather allowed an en route descent under VFR in the event of engine failure. The limitations in proposed § 125.125, in conjunction with this section, required that, when single-engine airplanes or multi-engine airplanes which are unable to meet the IFR en route climb requirements are used, the weather along the planned flight route be such that flight beneath the ceiling under VFR could be made (VFR weather "buffer"). If broken clouds exist adequate to meet the requirements of paragraph (b) of the proposed section or if an aircraft were able to glide with a dead engine to an area clear of clouds for an emergency descent, VFR over-the-top operations were permitted.

Several comments objected to the prohibition of an IFR descent at the termination of a VFR over-the-top en route operation. The Agency has reviewed the objection and feels that safety would not be compromised by permitting an IFR descent at the termination of such a flight, if the aircraft could reach the

initial approach altitude over the final approach facility clear of the clouds or if the approach is made under radar control. Section 135.99 now reflects this thinking.

#### § 135.111

Several of the comments in regard to proposed § 125.99 objected to the fact that the section did not permit "look see" privileges in air taxi and commercial operations using small aircraft. The Agency, after due consideration, felt that safety would be compromised in allowing "look see" privileges in operations under this Part. However, it was felt that safety would not be compromised, and in fact would probably be promoted, if continuation of an IFR approach is permitted where it is commenced under weather reports indicating above minimum ceiling and visibility and after passing the appropriate approach facility a subsequent report indicates that the weather is below minimums. In no event, however, may the pilot continue the approach or land the aircraft if, after reaching the minimum authorized altitude for that particular airport, he finds that the weather is in fact below minimums. This section is now compatible with the similar provisions in Part 42.

#### § 135.121

As originally proposed, § 125.101 required, among other things, that the pilot in command of an airplane carrying passengers at night have a current instrument rating. Many of the comments objected to this requirement since the present regulations do not require an instrument rating for VFR flight at night. Recognizing, however, that a higher degree of safety is required in passenger-carrying operations and further that night operations increase the possibility of inadvertently encountering adverse weather conditions, the Agency believes that safety would be compromised if the instrument rating requirement of the section were eliminated. However, since basic instrument capability is adequate for night flights in the absence of IFR conditions, the Agency does not believe that safety would be compromised if the recent experience portion of the instrument rating requirement is eliminated. Section 135.121 now reflects this change as does § 135.123 since the same reasoning applies to passenger carrying in VFR over-the-top operations.

#### § 135.129

Section 135.129 sets forth the recent experience requirements for the pilot in command of a small multiengine airplane operating under this Part. Subparagraph (a)(2) of that section has been revised to clearly require that the flight check required be given in the type of airplane to be used in the operation.

#### § 135.145

Numerous comments were received in regard to § 125.125 of Draft Release 62-48. Most of these comments were addressed to the proposals concerning IFR operations with passengers in single-engine airplanes. The comments predominately favored allowing single-en-

gine IFR operations; however, a number objected to the VFR weather "buffer" and recommended the same criteria and minimums for these operations as are prescribed for IFR operations with multi-engine airplanes.

The Agency believes that some IFR operations with passengers in single-engine airplanes should be permitted under this part. However, to provide for an acceptable level of safety in such operations, certain limitations are considered necessary, the principal one being the VFR weather "buffer" requirement. The purpose of this limitation is to provide for a zone of VFR weather conditions beneath the ceiling (if a ceiling exists) to provide a "visual reference" area within which maneuvering to an emergency landing or descent to a low altitude could be accomplished in case engine malfunctioning should necessitate such action.

Draft Release 62-48 proposed that an IFR departure or approach be permitted with single-engine airplanes (and multi-engine airplanes unable to meet the IFR one-engine-inoperative climb requirements) with passengers without being subject to the VFR weather "buffer" requirements, provided that the flight can be made in compliance with the VFR or VFR over-the-top requirements of this part from a point no more than 15 miles from the departure airport (in case of an IFR departure) or to a point within 15 miles of the destination airport (in case of an IFR approach). A number of persons recommended that both an IFR departure and IFR approach under these limitations be permitted on the same flight. After further consideration, the Agency has concluded that this could be permitted without compromising safety, and the rule so provides. Provision has also been made for limited en route IFR operation with these airplanes; however, the VFR weather "buffer" will be required for such operations.

It should be noted that, while the provisions of § 135.145 and other related sections of this Part give the pilot in command more latitude with respect to IFR operations with single-engine airplanes (and multiengine airplanes unable to meet the prescribed one-engine-inoperative climb requirements), they also place more responsibility upon him. The Agency believes that these operations can be safely conducted if the pilot accepts and conscientiously discharges those responsibilities. In case operating experience should show otherwise, or should there be widespread failure of pilots to accept these responsibilities, appropriate regulatory action will be taken.

#### § 135.161

Section 135.161 sets forth the fire extinguisher requirements for operations under this part. Proposed § 125.141 set forth certain specifications in regard to the fire extinguishers to be used. The detailed specifications have been eliminated from this section after due consideration since this equipment is required to be approved, and the specifications for approval will be set forth in an advisory circular.

§ 135.163

Section 135.163 prescribes the required emergency equipment for overwater operations. This section has been revised to include a requirement for a dye marker and a flashlight.

As originally proposed this section required helicopters equipped for landing on water, when conducting overwater operations beyond autorotative gliding distance from land, to be equipped with a sea anchor. Many of the comments in regard to this section objected to the requirement for a sea anchor and raised considerable doubt as to the effectiveness of a sea anchor when used with certain helicopters. After due consideration the Agency has determined that safety would not be compromised by eliminating that requirement. Section 135.163 now reflects this thinking.

§ 135.165

Section 135.165 prescribes the oxygen equipment requirements for operations at various altitudes with pressurized and unpressurized aircraft. This section has been revised so that the equipment requirements are compatible with the revised oxygen use requirements prescribed in § 135.83 for obvious reasons.

Some comments suggested an increase in the altitude at which oxygen equipment and supply are required. This section has been retained for the reasons set forth in the comments on § 135.83.

Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

These amendments are made under the authority of sections 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430, and 1502).

In consideration of the foregoing, Chapter I of Title 14, Code of Federal Regulations is amended by amending Part 1 "Definitions and Abbreviations" [New] as hereinafter set forth, and by adding Subchapter G "Air Carrier and Commercial Operator Certification and Operations" [New], effective April 7, 1964; and also by amending Part 61 "Certification: Pilots and Flight Instructors" [New] as hereinafter set forth, by amending Part 91 "General Operating and Flight Rules" [New] as hereinafter set forth, by rescinding Part 47 of the Civil Air Regulations, as published in the FEDERAL REGISTER (24 F.R. 91), by rescinding Special Civil Air Regulation SR-395B and Part 42a of the Civil Air Regulations effective September 7, 1964, and by adding Part 135 "Air Taxi Operators and Commercial Operators of Small Aircraft" [New] effective September 7, 1964, except sections 135.1 and 135.9 thereof which are effective April 7, 1964.

1. Section 1.1 of Part 1—Definitions and Abbreviations [New] is amended to include the following definitions:

§ 1.1 Definition.

"IFR over-the-top", with respect to the operation of aircraft, means the operation of an aircraft over-the-top on

an IFR flight plan when cleared by air traffic control to maintain "VFR conditions" or "VFR conditions on top".

"Over-the-top" means above the layer of clouds or other obscuring phenomena forming the ceiling.

"VFR over-the-top", with respect to the operation of aircraft, means the operation of an aircraft over-the-top under VFR when it is not being operated on an IFR flight plan.

§ 61.47 [Amended]

2. Section 61.47 [New] is amended as follows:

(a) By amending the last sentence of paragraph (a) to read as follows: "This section does not apply to operations requiring an airline transport pilot certificate, or to operations conducted under Part 135."

(b) By amending paragraph (c) to read as follows:

(c) *Airline transport and Part 135 operations.* Neither an airline transport pilot nor a pilot in operations under Part 135 may pilot an aircraft in operations for which an airline transport pilot certificate is required or in operations under Part 135, if it carries any person other than members of its crew, certificated airmen on board in furtherance of their duties, or certificated instructors rated for that aircraft unless, within the preceding 90 days, he has made at least three takeoffs, and three landings to a full stop, in an aircraft of the same category, class, and type.

3. Section 91.117(d) is amended to read as follows:

§ 91.117 Takeoff and landing under IFR.

(d) *Civil airport takeoff minimums.* Unless otherwise authorized by the Administrator, no person operating an aircraft under Part ----- (present Parts 40, 41, 42, or 44) or 135 of this chapter may take off from a civil airport under IFR unless weather conditions are at or above the weather minimums for IFR takeoff prescribed for that airport in Part 97 [New] of this chapter.

- 4. Part 47 is rescinded.
- 5. SR-395B and Part 42a are rescinded.
- 6. The following new Part 135 is added:

Subpart A—General

Sec.	
135.1	Applicability.
135.3	Rules applicable to operations subject to this part.
135.5	Gyroplane operations.
135.7	Emergency operations.
135.9	Certificate and operations specifications required.
135.11	Duration of certificate.
135.13	Application and issue of certificate and operations specifications.
135.15	Eligibility for certificate and operations specifications.
135.17	Amendment of certificate.
135.19	Amendment of operations specifications.

Subpart B—Rules Governing Persons Holding ATCO Certificates

Sec.	
135.31	Aircraft requirements.
135.33	Airmen: Limitations on use of services.
135.35	Pilot in command or second in command: Designation required.
135.37	Aircraft and facilities for recent flight experience.
135.39	Informing personnel of operational information.
135.41	Business office and operations base.
135.43	Record keeping requirements.
135.45	Advertising.
135.47	Use of business names.
135.49	Inspections and tests.
135.51	Termination of operations.

Subpart C—Operating Rules

135.61	General.
135.63	Carriage of persons without compliance with the passenger-carrying provisions of this part.
135.65	Weather reports and forecasts.
135.67	Airworthiness check.
135.69	Area limitations on operations.
135.71	Operating information required.
135.73	Second in command required in IFR conditions.
135.75	Exception to second in command requirement: Limited IFR conditions.
135.77	Exception to second in command requirement: Approval of use of autopilot system.
135.79	Autopilot: Minimum altitudes for use.
135.81	Briefing of occupants: extended overwater operations and operations above 10,000 feet MSL.
135.83	Requirements for use of oxygen.
135.85	Icing conditions: Operating limitations.
135.87	Night takeoff and landing carrying passengers: Lighting and wind determination requirements.
135.89	Helicopter operations: Emergency landing areas.
135.91	VFR: minimum altitudes.
135.93	VFR: visibility requirements.
135.95	VFR: helicopter ground reference requirements.
135.97	VFR: fuel supply.
135.99	VFR over-the-top carrying passengers: Operating limitations.
135.101	IFR: operating limitations.
135.103	IFR: takeoff limitations.
135.105	IFR: destination airport weather minimums.
135.107	IFR: alternate airport requirements.
135.109	IFR: alternate airport weather minimums.
135.111	IFR: takeoff, approach and landing minimums.

Subpart D—Pilot Qualifications

135.121	Pilot in command qualifications: Night flight.
135.123	Pilot in command qualifications: Carrying passengers under VFR over-the-top.
135.125	Pilot in command qualifications: IFR flight.
135.127	Second in command qualifications.
135.129	Pilot in command: Small multi-engine airplane; recent experience requirements.
135.131	Pilot in command: Instrument check requirements.
135.133	Pilot checks: Grace provisions.
135.135	Check pilot authorization: Application and issue.

Subpart E—Aircraft and Equipment

135.141	Applicability.
135.143	General requirements.
135.145	Performance requirements: Aircraft operated over-the-top or in IFR conditions.

Sec.	
135.147	Performance requirements: Land aircraft operated over water.
135.149	Dual controls required.
135.151	Equipment requirements: General.
135.153	Equipment requirements: Carrying passengers at night or under VFR over-the-top conditions.
135.155	Equipment requirements: Airplanes carrying passengers under IFR.
135.157	Radio and navigation equipment: Carrying passengers under VFR at night, over-the-top, or in a control zone.
135.159	Radio and navigation equipment: Extended overwater or IFR operations.
135.161	Fire extinguishers: Passenger-carrying aircraft.
135.163	Emergency equipment: Overwater operations.
135.165	Oxygen equipment requirements.

**AUTHORITY:** The provisions of this Part 135 issued under sec. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, 49 U.S.C. 1354, 1355, 1421 through 1430, and 1502.

### Subpart A—General

#### § 135.1 Applicability.

(a) Except as provided in paragraph (b) of this section, this part prescribes rules governing—

(1) Air taxi operations conducted under the exemption authority of Part 298 of this title; and

(2) The carrying in air commerce by any person, other than an air carrier, of persons or property for compensation or hire (commercial operations) in small aircraft.

(b) This part does not apply to—

- (1) Student instruction;
- (2) Nonstop sightseeing flights that begin and end at the same airport, and are conducted within a 25-mile radius of that airport;
- (3) Ferry or training flights;
- (4) Aerial work operations, including—
  - (i) Crop dusting, seeding, spraying, and bird chasing;
  - (ii) Banner towing;
  - (iii) Aerial photography or survey;
  - (iv) Fire fighting;
  - (v) Rescue operations;
  - (vi) Helicopter operations in construction or repair work (but not including transportation to and from the site of operations); and
  - (vii) Powerline or pipeline patrol;
- (5) Operations conducted under the authority of Part 133 or 375 of this title; or
- (6) Any other operations specified by the Administrator.

#### § 135.3 Rules applicable to operations subject to this part.

Each person operating an aircraft in operations to which this Part applies shall—

(a) While operating inside the United States, comply with the applicable rules of this chapter; and

(b) While operating outside the United States, comply with Annex 2, Rules of the Air, to the Convention on International Civil Aviation or the regulations of any foreign country, whichever applies, and any rules of Parts 61 [New] and 91 [New] of this chapter and this Part that are more restrictive than that Annex or

those regulations and can be complied with without violating that Annex or those regulations.

#### § 135.5 Gyroplane operations.

The rules in this Part that apply to airplane operations apply also to gyroplane operations.

#### § 135.7 Emergency operations.

(a) In an emergency involving the safety of persons or property, the holder of an air taxi/commercial operator (ATCO) operating certificate may deviate, to the extent required to meet that emergency, from the rules of this Part relating to aircraft and equipment and weather minimums.

(b) In an inflight emergency involving the safety of persons or property, the pilot in command may deviate from any rule of this part to the extent required to meet that emergency.

(c) Each person who, under the authority of this section, deviates from a rule of this part shall, within 10 days after the deviation, send to the nearest FAA District Office a complete report of the aircraft operation involved, including a description of the deviation and the reasons for it.

#### § 135.9 Certificate and operations specifications required.

(a) Except as provided in paragraphs (b) and (c) of this section, no person may operate an aircraft in operations to which this Part applies without, or in violation of, an (ATCO) operating certificate, and appropriate operations specifications, issued under the Part.

(b) Any person who holds an air taxi operating certificate issued under Special Civil Air Regulation SR-395A and Part 42, or Part 42a of this chapter and who applies for an operating certificate and operations specifications under this part before September 7, 1964, may continue operations until a certificate and specifications are issued to him under this part, or until the Administrator notifies him that his application is denied. However, after September 6, 1964, and pending the issue or denial of a certificate under this part he shall comply with Subparts C, D, and E of this part and continue to comply with the air taxi operating certificate and the operations specifications that he holds.

(c) Any person who is conducting commercial operations with small aircraft under Part 45 or Part 42a of this chapter and who applies for an operating certificate and operations specifications under this part before September 7, 1964, may continue those operations until a certificate and specifications are issued to him under this part, or until the Administrator notifies him that his application is denied. However, after September 6, 1964, and pending the issue or denial of a certificate under this part he shall comply with Subparts C, D, and E of this part.

#### § 135.11 Duration of certificate.

An ATCO certificate is effective until surrendered, suspended, or revoked. The holder of an ATCO certificate that is suspended or revoked shall return it to the Administrator.

#### § 135.13 Application and issue of certificate and operations specifications.

(a) An application for an ATCO certificate and appropriate operations specifications is made on a form and in a manner prescribed by the Administrator and filed with the FAA District Office that has jurisdiction over the area in which the applicant's principal business office is located.

(b) An applicant who meets the requirements of this part is entitled to—

(1) An ATCO certificate containing all business names under which he may conduct operations and the address of each business office used by the holder; and

(2) Separate operations specifications containing the type and area of operations authorized, the class and category of aircraft that he may use in those operations, any authorized deviations from this part, and such other items as the Administrator may require or allow to meet any particular situation.

#### § 135.15 Eligibility for certificate and operations specifications.

To be eligible for an ATCO certificate and appropriate operations specifications a person must—

(a) Be a citizen of the United States, a partnership of which each member is a citizen of the United States, or a corporation or association created or organized under the laws of the United States or any State or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are citizens of the United States and in which at least 75 percent of the voting interest is owned or controlled by citizens of the United States or one of its possessions;

(b) Hold such economic authority as may be required by the Civil Aeronautics Board; and

(c) Show, to the satisfaction of the Administrator, that he is able to conduct each kind of operation for which he seeks authorization in compliance with applicable regulations.

#### § 135.17 Amendment of certificate.

(a) The Administrator may amend an ATCO certificate—

(1) On his own initiative, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and Part 13 of this chapter; or

(2) Upon application by the holder of that certificate.

(b) An application to amend an ATCO certificate is submitted on a form and in a manner prescribed by the Administrator. The applicant must file the application with the FAA District Office having jurisdiction over the area in which the applicant's principal business office is located at least 15 days before the date that he proposes for the amendment to become effective, unless a shorter filing period is approved by that office.

(c) The Administrator grants a request to amend an ATCO certificate if he determines that safety in air commerce and the public interest so allow.

(d) Within 30 days after receiving a refusal to amend, the holder may petition the Administrator to reconsider the refusal.

#### § 135.19 Amendment of operations specifications.

(a) The Administrator may amend any operations specification issued under this part if—

(1) He determines that safety in air commerce requires that amendment; or

(2) Upon an application by the holder, the Administrator determines that safety in air commerce allows that amendment.

(b) An application to amend operations specifications is submitted on a form and in a manner prescribed by the Administrator. The applicant must file the application with the FAA District Office having jurisdiction over the area in which the applicant's principal business office is located at least 15 days before the date that he proposes for the amendment to become effective, unless a shorter filing period is approved by that office.

(c) Within 30 days after a notice of refusal to approve a holder's application for amendment, the holder may petition the Administrator to reconsider the refusal to amend.

(d) When the Administrator amends operations specifications, he gives notice in writing to the holder of a proposed amendment to the operations specifications, fixing a period of not less than seven days within which the holder may submit written information, views, and arguments concerning the proposed amendment. After consideration of all relevant matter presented, the Administrator notifies the holder of any amendment adopted, or a rescission of the notice. The amendment becomes effective not less than 30 days after the holder receives notice of the adoption of the amendment, unless the holder petitions the Administrator for reconsideration of the amendment. In such a case, the effective date of the amendment is stayed pending a decision by the Administrator. If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air commerce that makes the provisions prescribed by this paragraph impracticable, or contrary to the public interest, he notifies the holder of an amendment to the operations specifications without giving the seven days notice, and the amendment becomes effective when the holder receives it.

#### Subpart B—Rules Governing Persons Holding ATCO Certificates

##### § 135.31 Aircraft requirements.

(a) Each person holding an ATCO certificate must have the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in his operations specifications. In addition, for each kind of operation for which he does not have the exclusive use of an aircraft, he must have available for use under a written agreement (including arrangements for performing required maintenance) at least one aircraft that meets the requirements for that kind of operation. How-

ever, this paragraph does not prohibit the operator from using the aircraft for other than air taxi or commercial operations, nor require him to have exclusive use of each aircraft that he uses.

(b) For the purposes of paragraph (a) of this section, a person has exclusive use of an aircraft if he has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving him that possession, control, and use for at least six consecutive months.

##### § 135.33 Airmen: Limitations on use of services.

No person holding an ATCO certificate may use the services of any person as an airman, unless the person performing those services holds an appropriate and current airman certificate issued under this chapter and is qualified, under this chapter, for the operation concerned.

##### § 135.35 Pilot in command or second in command: designation required.

Each person holding an ATCO certificate shall designate a—

(a) Pilot in command for each flight; and

(b) A second in command for each flight requiring two pilots.

##### § 135.37 Aircraft and facilities for recent flight experience.

Each person holding an ATCO certificate shall provide aircraft and facilities to enable each of his pilots who is authorized to engage in IFR and multi-engine operations to maintain and demonstrate his ability to conduct those operations.

##### § 135.39 Informing personnel of operational information.

Each person holding an ATCO certificate shall inform each person in his employ of the operations specifications that apply to his duties and responsibilities and shall make available to each of his pilots the following materials in current form:

(a) Airman's Guide.

(b) This part and Part 91 [New] of this chapter.

(c) Flight Information Manual, Aircraft Equipment Manuals, and Aircraft Owner's Manual, or Owner's or Flight Handbook.

(d) For foreign operations, the International Flight Information Manual, and information concerning the pertinent operational and entry requirements of the foreign country or countries involved.

##### § 135.41 Business office and operations base.

(a) Each person holding an ATCO certificate shall maintain a principal business office.

(b) Each person holding an ATCO certificate shall, before changing the location of any business office or operations base, notify in writing the FAA District Office having jurisdiction over the area in which the applicant's principal business office is located.

##### § 135.43 Record-keeping requirements.

(a) Each person holding an ATCO certificate shall keep at his principal

business office and make available for inspection by the Administrator the following:

(1) His ATCO certificate.

(2) His operations specifications.

(3) A current list of the aircraft used or available for use by him in operations subject to this part and the operations for which each is equipped.

(4) An individual record of each pilot used by him in operations subject to this part, including the following information:

(i) The full name of the pilot.

(ii) The pilot certificate (by type and number) and ratings that the pilot holds.

(iii) The pilot's aeronautical experience, in sufficient detail to determine his qualifications to pilot aircraft in operations subject to this part.

(iv) The pilot's current duties and the date of his assignment to those duties.

(v) The effective date and class of the medical certificate that the pilot holds.

(vi) The date and result of each of the pilot's six months instrument checks and the type of aircraft flown during that check.

(vii) The pilot's check pilot authorization, if any.

(b) Each person holding an ATCO certificate shall keep each record required by paragraph (a) (3) or (4) of this section for at least one year after it is made.

##### § 135.45 Advertising.

No person holding an ATCO certificate may advertise or otherwise offer to perform operations subject to this part that are not authorized by his ATCO certificate and operations specifications.

##### § 135.47 Use of business names.

No person holding an ATCO certificate may operate an aircraft in operations subject to this part under a business name that is not on his ATCO certificate.

##### § 135.49 Inspections and tests.

Each person holding an ATCO certificate shall allow the Administrator, at any time or place, to make inspections or tests (including en route inspections) to determine the holder's compliance with the Federal Aviation Act of 1958, applicable regulations, his ATCO certificate, and his operations specifications.

##### § 135.51 Termination of operations.

Within 30 days after a person holding an ATCO certificate ceases operations under this part, he shall surrender his operating certificate and operations specifications to the FAA District Office last having jurisdiction over these operations.

#### Subpart C—Operating Rules

##### § 135.61 General.

This subpart prescribes rules, in addition to those in Part 91 of this chapter, that apply to operations under this part.

##### § 135.63 Carriage of persons without compliance with the passenger-carrying provisions of this Part.

The following persons may be carried aboard an aircraft without complying with the passenger-carrying requirements of this part:

(a) A crewmember.  
 (b) A person traveling to or from a crewmember assignment, when the operator of the aircraft finds that other means of transportation are not practicable.

(c) A person necessary for the safe handling of animals on the aircraft.

(d) A person necessary for the safe handling of radioactive materials (within the meaning of Part 103 of this chapter).

(e) A person performing duty as a security or honor guard accompanying a shipment made by or under the authority of the U.S. Government.

(f) A military courier or a military route supervisor carried by a military cargo contract air carrier or commercial operator in operations under a military cargo contract, if that carriage is specifically authorized by the appropriate military service.

(g) An authorized representative of the Administrator conducting an en route inspection.

#### § 135.65 Weather reports and forecasts.

Whenever a person operating an aircraft in operations to which this part applies is required to use a weather report or forecast, he shall use that of the U.S. Weather Bureau or an accredited observer. However, in the case of operations under VFR, the pilot in command may, if such a report or forecast is not available, use weather information based on his own observations or on those of other persons able to supply appropriate observations.

#### § 135.67 Airworthiness check.

The pilot in command may not begin a flight unless he determines that the airworthiness inspections required by § 91.169 have been made.

#### § 135.69 Area limitations on operations.

(a) No person may operate an aircraft in a geographical area that is not specifically authorized by appropriate operations specifications issued under this part.

(b) No person may operate an aircraft in a foreign country unless he is authorized to do so by that country.

#### § 135.71 Operating information required.

(a) The operator of an aircraft must provide the following materials, in current and appropriate form, accessible to the pilot at the pilot station, and the pilot shall use them:

(1) A cockpit checklist.

(2) In the case of multiengine aircraft or aircraft with retractable landing gear, an emergency cockpit checklist, containing the procedures required by paragraph (c) of this section, as appropriate.

(3) Pertinent aeronautical charts.

(4) For IFR operations, each pertinent navigational en route, terminal area, and approach and letdown chart.

(5) In the case of multiengine aircraft, one-engine-inoperative climb performance data.

(b) Each cockpit checklist required by subparagraph (a) (1) of this section must contain the following procedures:

(1) Before starting engines.

(2) Before takeoff.

(3) Cruise.

(4) Before landing.

(5) After landing.

(6) Stopping engines.

(c) Each emergency cockpit checklist required by paragraph (a) (2) of this section must contain the following procedures, as appropriate:

(1) Emergency operation of fuel, hydraulic, electrical, and mechanical systems.

(2) Emergency operation of instruments and controls.

(3) Engine inoperative procedures.

(4) Any other emergency procedures necessary for safety.

#### § 135.73 Second in command required in IFR conditions.

Except as provided in §§ 135.75 and 135.77, no person may operate an aircraft carrying passengers in IFR conditions, unless there is a second in command in the aircraft.

#### § 135.75 Exception to second in command requirement; limited IFR conditions.

Unless the aircraft operating limitations require a crew of two pilots, the pilot in command of an airplane carrying passengers may—

(a) If unforecast weather conditions that are marginal or below the VFR minimums of this part are encountered while en route on a flight which was started and intended to be conducted under the VFR or VFR over-the-top requirements of this part (except for limited IFR operation as permitted under paragraph (b) (1) and (2) of this section), operate an airplane in IFR conditions without a second in command if weather reports and forecasts indicate that he will be able to return to VFR or VFR over-the-top operation before reaching a point 15 miles from the destination airport; and

(b) If weather reports and forecasts indicate that the weather along the planned flight route allows flight under the VFR or VFR over-the-top requirements of this part beginning at a point no more than 15 miles from the departure airport and extending to a point within 15 miles of the destination airport, without a second in command—

(1) Take off from the departure airport in IFR conditions and fly in IFR conditions to a point no more than 15 miles from the departure airport; and

(2) Make an IFR approach and land at the destination airport in IFR conditions if:

(i) The weather conditions allow flight, and he flies, clear of the clouds until reaching the prescribed initial approach altitude over the final approach facility; or

(ii) The approach is made with the use of radar as provided in § 91.117(f) of this chapter.

#### § 135.77 Exception to second in command requirement: approval of use of autopilot system.

(a) Unless the airplane operating limitations require a crew of two pilots, a person may operate an airplane without a second in command if it is equipped

with an operative autopilot system and the use of that system is authorized by appropriate operations specifications.

(b) The holder of an ATCO certificate may request amendment of his operations specifications to authorize the use of an autopilot system in place of a second in command. The application must contain the make, model, and registration number of each airplane in which an autopilot is installed and the make and model of each autopilot installed.

(c) The Administrator issues an amendment to the operations specifications authorizing the use of an autopilot system, in place of a second in command, if—

(1) The autopilot system is capable of operating the airplane controls to maintain flight and maneuver it about the three axes; and

(2) The holder of the ATCO certificate shows, to the satisfaction of the Administrator, that operations using the autopilot system can be conducted safely and in compliance with this part.

The amendment contains any conditions or limitations on the use of the autopilot system that the Administrator determines are needed in the interest of safety.

#### § 135.79 Autopilot: minimum altitudes for use.

(a) Except as provided in paragraph (b) of this section, no pilot may use an autopilot at an altitude less than 500 feet above the surface while en route (including climb and descent).

(b) If an approach coupler is used, a pilot may use an autopilot system during an IFR approach to (but not below) the applicable prescribed minimum approach altitude, unless otherwise limited.

#### § 135.81 Briefing of occupants: extended overwater operations and operations above 10,000 feet MSL.

(a) Before beginning a flight that involves an extended overwater operation, the pilot in command shall brief the occupants of the aircraft (other than the second in command) on the use of required flotation equipment, and ditching procedures.

(b) Before beginning an operation above 10,000 feet MSL, a crewmember shall brief the occupants of the aircraft (other than the crewmembers) on the normal and emergency use of oxygen.

#### § 135.83 Requirements for use of oxygen.

(a) *Unpressurized aircraft.* Each pilot of an aircraft that has an unpressurized cabin shall use oxygen continuously when flying—

(1) At altitudes above 10,000, up to and including 12,000 feet MSL for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 12,000 feet MSL.

(b) *Pressurized aircraft.*

(1) Whenever an aircraft is being operated with the cabin pressure altitude more than 10,000 feet, each pilot shall comply with the requirement of paragraph (a) of this section.

(2) Whenever an aircraft having a pressurized cabin is operated above 25,000 feet, unless each pilot has an

approved quick-donning type oxygen mask—

(i) At least one pilot at the controls shall wear, secured and sealed, an oxygen mask supplying oxygen; and

(ii) In addition, during such a flight each other pilot on flight deck duty shall have an oxygen mask, connected to an oxygen supply, located so as to allow immediate placing of the mask on his face, sealed and secured for use.

(3) Whenever an aircraft having a pressurized cabin is operated above 35,000 feet, at least one pilot at the controls shall wear, secured and sealed, an oxygen mask supplying oxygen.

**§ 135.85 Icing conditions: operating limitations.**

(a) No pilot may take off an aircraft that has—

(1) Frost, snow, or ice adhering to any rotor blade, propeller, windshield, or powerplant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system;

(2) Snow or ice adhering to the wings, or stabilizing or control surfaces; or

(3) Any frost, adhering to the wings, or stabilizing or control surfaces, unless that frost has been polished to make it smooth.

(b) No pilot may fly—

(1) Under IFR into known or forecast light or moderate icing conditions; or

(2) Under VFR into known light or moderate icing conditions; unless the aircraft has functioning deicing and anti-icing equipment protecting each rotor blade, propeller, windshield, wing, stabilizing or control surface, and each airspeed, altimeter, rate of climb or flight attitude instrument system.

(c) No pilot may fly an aircraft into known or forecast heavy icing conditions.

**§ 135.87 Night takeoff and landing carrying passengers: lighting and wind determination requirements.**

No pilot of an aircraft carrying passengers at night may take off from, or land on, an airport unless—

(a) He has determined the wind direction from an illuminated wind direction indicator or local ground communications or, in the case of take off, his personal observations; and

(b) The limits of the area to be used for landing or takeoff are clearly shown—

(1) In the case of airplanes, by boundary or runway marker lights; or

(2) In the case of helicopters, by boundary or runway marker lights or reflective material.

**§ 135.89 Helicopter operations: emergency landing areas.**

No person may operate a helicopter unless areas are available which allow an emergency landing to be made without undue hazard to passengers or to persons or property on the surface. For the purposes of this section, areas such as school yards, parking lots, recreation areas, highways, shopping centers, and public docks are not considered available for possible emergency use when they are occupied by persons or vehicles unless there are unoccupied parts thereof that are large enough to allow a landing without that hazard.

**§ 135.91 VFR: Minimum altitudes.**

Except when necessary for takeoff and landing, no person may operate, under VFR—

(a) An airplane—

(1) During the day, below 500 feet above the surface or less than 500 feet horizontally from any obstacle; or

(2) At night, at an altitude less than 1,000 feet above the highest obstacle within a horizontal distance of five miles from the course intended to be flown or, in designated mountainous terrain, less than 2,000 feet above the highest obstacle within a horizontal distance of five miles from the course intended to be flown; or

(b) A helicopter over a congested area at an altitude less than 300 feet above the surface.

**§ 135.93 VFR: visibility requirements.**

(a) No person may operate an airplane under VFR, in uncontrolled airspace at night, or in uncontrolled airspace during the day when the ceiling is less than 1,000 feet, unless flight visibility is at least two miles.

(b) No person may operate a helicopter under VFR in uncontrolled airspace at an altitude of 1,200 feet or less above the surface or in control zones unless the visibility is at least—

(1) During the day—one-half mile; or

(2) At night—one mile.

**§ 135.95 VFR: Helicopter ground reference requirements.**

No person may pilot a helicopter under VFR unless he has visual ground reference or, at night, visual ground light reference, enough to properly control the helicopter.

**§ 135.97 VFR: Fuel supply.**

(a) No person may begin a flight operation in an airplane under VFR unless, considering wind and forecast weather conditions, it has enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption—

(1) During the day, to fly thereafter for at least 30 minutes; or

(2) At night, to fly thereafter for at least one hour.

(b) No person may begin a flight operation in a helicopter under VFR unless, considering wind and forecast weather conditions, it has enough fuel to fly to the first point of intended landing and, assuming normal cruising fuel consumption, to fly thereafter for at least 20 minutes.

**§ 135.99 VFR over-the-top carrying passengers: Operating limitations.**

Subject to any additional limitations contained in § 135.145, no person may operate an aircraft VFR over-the-top, carrying passengers, unless:

(a) Weather reports and forecasts indicate that the weather at the intended point of termination of over-the-top flight—

(1) Allows descent to beneath the ceiling under VFR and is forecast to remain so until at least one hour after the estimated time of arrival at that point; or

(2) Allows an IFR approach and landing with flight clear of the clouds until reaching the prescribed initial approach altitude over the final approach facility unless the approach is made with the use of radar as provided in § 91.117(f) of this chapter; or

(b) It is operated under conditions allowing—

(1) In the case of multiengine aircraft, descent or continuation of the flight under VFR if its critical engine fails; or

(2) In the case of single-engine aircraft, descent under VFR if its engine fails.

**§ 135.101 IFR: Operating limitations.**

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft, under IFR, outside of controlled airspace or at any airport that does not have an approved standard instrument approach procedure.

(b) The FAA issues operations specifications to the holder of an ATCO certificate to allow him to operate IFR over routes outside controlled airspace if—

(1) His designated flight crew shows the Administrator their ability to navigate, without visual reference to the ground, over an intended track without deviating more than five degrees or five miles, whichever is less, from that track; and

(2) The Administrator otherwise determines that the proposed operations can be conducted safely.

**§ 135.103 IFR: Takeoff limitations.**

No person may take off an aircraft under IFR from an airport where weather conditions are above takeoff minimums but are below authorized IFR landing minimums unless there is an alternate airport within one hour's flying time (at normal cruising speed, in still air) of the airport of departure.

**§ 135.105 IFR: Destination airport weather minimums.**

No person may take off an aircraft under IFR or begin an IFR operation in flight unless weather reports and forecasts indicate that weather conditions, at the estimated time of arrival at the next airport of intended landing, will be at or above authorized IFR landing minimums.

**§ 135.107 IFR: Alternate airport requirements.**

(a) Except as provided in paragraph (b) of this section, no person may operate an aircraft under IFR conditions unless there is an alternate airport available for the next airport of intended landing.

(b) Paragraph (a) of this section does not apply if, from two hours before to two hours after the estimated time of arrival, the ceiling and visibility at the next airport of intended landing are forecast to be at least one thousand feet above that airport's minimum initial approach altitude and three miles, respectively.

**§ 135.109 IFR: Alternate airport weather minimums.**

No person may operate an aircraft under IFR conditions unless, at the time

that operation begins, weather conditions at each required alternate airport are at or above authorized alternate airport landing minimums for that airport and weather reports and forecasts indicate that it will remain so until the estimated time of arrival at that airport.

**§ 135.111 IFR: Takeoff, approach, and landing minimums.**

(a) No pilot may begin an instrument approach procedure if the latest weather report indicates the weather conditions at that airport are below its authorized IFR landing minimums.

(b) If an instrument approach procedure is initiated when the latest weather report indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane—

(1) Is on an ILS final approach and has passed the outer marker;

(2) Is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude; or

(3) Is on PAR final approach and has been turned over to the final approach controller;

Such ILS, Range, or PAR approach may be continued and a landing may be made, provided the pilot in command upon reaching the authorized landing minimum altitude finds that actual weather conditions are equal to or better than the prescribed minimums.

(c) The ceiling and visibility landing minimums prescribed in Part 91 of this chapter or in the operator's operations specifications are increased by 100 feet and one-half mile respectively, but not to exceed the ceiling and visibility minimums for that airport when used as an alternate airport, for each pilot in command of a turbine-powered airplane who has not served at least 100 hours as pilot in command in that type of airplane.

(d) Each pilot making an IFR takeoff or approach and landing at a military or foreign airport shall comply with applicable instrument approach procedures and weather minimums prescribed by the authority having jurisdiction over that airport. In addition, no pilot may, at such an airport—

(1) Take off under IFR when the ceiling is less than 300 feet or the visibility is less than one mile; or

(2) Make an instrument approach when the ceiling is less than 200 feet or the visibility is less than one-half mile.

**Subpart D—Pilot Qualifications**

**§ 135.121 Pilot-in-command qualifications: Night flight.**

(a) No person may act as pilot in command of an aircraft at night unless he has had at least 500 hours of flight time as a pilot, including at least 100 hours of cross-country flight time, at least 25 hours of which were at night.

(b) No person may act as pilot in command of an airplane carrying passengers at night unless he holds an instrument rating.

**§ 135.123 Pilot-in-command qualifications: Carrying passengers under VFR over-the-top.**

(a) No person may act as pilot in command of an aircraft under VFR over-the-top unless he has—

(1) Had at least 500 hours of flight time as a pilot including at least 100 hours of cross-country time; and

(2) An instrument rating.

(b) Paragraph (a) of this section does not apply to flight under conditions that allow—

(1) In the case of multiengine aircraft, descent or continuance of the flight under VFR if the critical engine fails; or

(2) In the case of single-engine aircraft, descent under VFR if the engine fails.

**§ 135.125 Pilot-in-command qualifications: IFR flight.**

No person may act as pilot in command of an aircraft under IFR unless he has had at least 500 hours of flight time as a pilot, including at least 100 hours of cross-country flight time.

**§ 135.127 Second-in-command qualifications.**

No person may act as second in command of an aircraft unless he holds at least a current commercial pilot certificate with appropriate category and class ratings and, in the case of flight under IFR, a current instrument rating and has met the recent instrument experience requirements prescribed for a pilot in command in § 61.47(d) of this chapter.

**§ 135.129 Pilot in command: Small multiengine airplane; recent experience requirements.**

(a) No person may act as pilot in command of a small multiengine airplane unless he has, within the preceding 12 calendar months—

(1) Had at least 20 hours of pilot-in-command time in small multiengine airplanes, including at least 10 hours in the type of airplane in which he is to act as pilot in command; or

(2) Passed a flight and oral check given by the Administrator or an authorized check pilot, in the type of airplane to be used.

(b) For the purposes of paragraph (a) (2) of this section, the flight and oral check, appropriate to the class and type of airplane to be flown, includes normal and emergency flight procedures. The person taking the check must show that standard of proficiency required for the original issue of a multiengine class rating. The six-month instrument check required by § 135.131, if it is taken in a small multiengine airplane, may be substituted for this flight and oral check for that type of airplane.

**§ 135.131 Pilot in command: Instrument check requirements.**

(a) No person may act as pilot in command of an aircraft under IFR unless he passed, within the preceding six calendar months, the most recent instrument check given to him by the Administrator or an authorized check pilot.

(b) The instrument check required by paragraph (a) of this section consists of an oral or written equipment test and a

flight check under simulated instrument conditions. The equipment test includes questions on emergency procedures, engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, and hydraulic, mechanical, and electrical systems. The flight check includes navigation by instruments, recovery from simulated emergencies, and standard instrument approaches involving navigational facilities that he is likely to use. Each person taking the instrument check must show that standard of proficiency required for the original issue of an instrument rating.

(c) If the pilot in command is assigned to pilot only one type of aircraft, he must take the instrument check required by paragraph (a) of this section in that type of aircraft.

(d) If the pilot in command is assigned to pilot more than one type of aircraft, he must take the instrument check required by paragraph (a) of this section in each type of aircraft to which he is assigned, in rotation, but not more than one flight check during each period described in paragraph (a) of this section.

(e) If the pilot in command is assigned to pilot both single and multiengine aircraft, he must take the instrument checks required by paragraph (a) of this section alternately in multiengine and single-engine aircraft, but not more than one flight check during each period described in paragraph (a) of this section.

(f) If the pilot in command is authorized to use an autopilot system in place of a second pilot, he must show, during the required instrument check, that he is able (without a second in command) both with and without using the autopilot to—

(1) Conduct instrument operations competently; and

(2) Properly conduct air-ground communications and comply with complex air traffic control instructions.

Each person taking the autopilot check must show that, while using the autopilot, the airplane is operated as proficiently as it would be if a second in command were present to handle air-ground communications and copy air traffic control instructions.

**§ 135.133 Pilot checks: Grace provisions.**

If a pilot who is required to take a pilot check by § 135.129 or § 135.131 takes that check in the calendar month before, or the calendar month after, the month in which it becomes due, he is considered to have taken it during the month it became due.

**§ 135.135 Check pilot authorization: Application and issue.**

Each holder of an ATCO certificate desiring FAA approval of a check pilot shall submit his request in writing to the FAA District Office having jurisdiction over the area in which the holder's principal business office is located. The Administrator may issue a letter of authority to each check pilot if he passes the appropriate oral and flight test.

**Subpart E—Aircraft and Equipment****§ 135.141 Applicability.**

This subpart prescribes aircraft and equipment requirements for operations under this part. The requirements of this subpart are in addition to the applicable aircraft and equipment requirements of Part 91 of this chapter. However, this part does not require the duplication of any equipment required by another part.

**§ 135.143 General requirements.**

(a) No person may operate an aircraft in operations to which this part applies unless that aircraft and its equipment meet the requirements of applicable regulations.

(b) No person may operate an aircraft in operations to which this part applies, unless the required instruments and equipment in it have been approved and are functioning.

**§ 135.145 Performance requirements: Aircraft operated over-the-top or in IFR conditions.**

(a) Except as provided in paragraphs (b) and (c) of this section, no person may—

(1) Operate a single-engine airplane carrying passengers over-the-top or in IFR conditions; or

(2) Operate a multiengine airplane carrying passengers over-the-top or in IFR conditions at a weight that will not allow it to climb, with the critical engine inoperative, at least 50 feet a minute when operating at the MEAs of the route to be flown or 5,000 feet MSL, whichever is higher.

(b) Without regard to paragraph (a) (1) or (2) of this section—

(1) If weather reports and forecasts indicate that weather along the planned route (including takeoff and landing) allows flight under VFR under the ceiling (if a ceiling exists) and is forecast to remain so at every point ahead on the route until at least one hour after the estimated time of arrival at the point, a person may operate an airplane in IFR conditions, or "over-the-top"; and

(2) If weather reports and forecasts indicate that the weather along the planned route allows flight under VFR conditions under the ceiling (if a ceiling exists), beginning at a point no more than 15 miles from the departure airport and extending to a point within 15 miles of the destination airport, a person may—

(i) Take off from the departure airport in IFR conditions and fly in IFR conditions to a point no more than 15 miles from the departure airport;

(ii) Operate an airplane en route over-the-top;

(iii) If unforecast marginal VFR weather conditions are encountered while en route on a flight which was started and intended to be conducted under the VFR or VFR over-the-top requirements of this Part (except for limited IFR operation as permitted under subdivisions (i) and (iv) of this subparagraph) operate an airplane in IFR conditions if weather reports and forecasts indicate that he will be able to return to VFR or VFR over-the-top operation before reaching a point 15 miles from the destination airport; and

(iv) Make an IFR approach and land at the destination airport in IFR conditions if the weather conditions allow flight, and he flies, clear of the clouds from a point en route at least 15 miles from the destination airport until reaching the prescribed initial approach altitude over the final approach facility or if the approach is made with the use of radar as provided in § 91.117(f) of this chapter.

(c) Without regard to subparagraphs (a) (1) and (2) of this section, a person may operate an airplane over-the-top under conditions allowing—

(1) In the case of a multiengine airplane, descent or continuance of the flight under VFR if its critical engine fails; or

(2) In the case of a single-engine airplane, descent under VFR if its engine fails.

**§ 135.147 Performance requirements: Land aircraft operated over water.**

(a) No person may operate a land aircraft carrying passengers over water unless—

(1) It is operated at an altitude that allows it to reach land in the case of engine failure;

(2) It is necessary for takeoff or landing; or

(3) It is a multiengine aircraft operated at a weight that will allow it to climb, with the critical engine inoperative, at least 50 feet a minute, at an altitude of 1,000 feet above the surface.

**§ 135.149 Dual controls required.**

No person may operate an aircraft in operations requiring two pilots unless that aircraft is equipped with functioning dual controls. However, if the aircraft type certification operating limitations do not require two pilots, a throw-over control wheel may be used in place of two control wheels.

**§ 135.151 Equipment requirements: General.**

No person may operate an aircraft unless it is equipped with—

(a) A sensitive altimeter that is adjustable for barometric pressure;

(b) Heating or de-icing equipment for each carburetor or, in the case of a pressure carburetor, an alternate air source; and

(c) In the case of turbine engine aircraft, such other equipment as the Administrator may require.

**§ 135.153 Equipment requirements: Carrying passengers at night or under VFR over-the-top conditions.**

(a) Except as provided in paragraph (c) of this section, no person may operate an airplane, carrying passengers, at night or under VFR over-the-top, unless it is equipped with—

(1) A gyroscopic rate-of-turn indicator combined with a slip skid indicator;

(2) A gyroscopic bank-and-pitch indicator;

(3) A gyroscopic direction indicator;

(4) A generator or generators able to supply all probable combinations of continuous in-flight electrical loads for re-

quired equipment and for recharging the battery; and

(5) In the case of night flights—

(i) An anticollision light system;

(ii) Instrument lights to make all instruments, switches, and gauges easily readable, the direct rays of which are shielded from the pilot's eyes; and

(iii) A flashlight having at least two size "D" cells or equivalent.

For the purposes of subparagraph (4) of this paragraph, a continuous electrical load includes one that draws current continuously during flight, such as radio equipment, electrically driven instruments, and lights, but does not include occasional intermittent loads.

(b) Except as provided in paragraph (c) of this section, no person may operate a helicopter, carrying passengers, at night or under VFR over-the-top unless—

(1) In the case of VFR over-the-top operations, it is certificated for IFR operations; and

(2) In the case of night operations, it is equipped with an anticollision light system and a standard size flashlight having at least two size "D" cells or equivalent.

(c) This section does not apply to persons operating aircraft under VFR over-the-top during the day under conditions allowing—

(1) In the case of a multiengine aircraft, descent or continuation of the flight under VFR if its critical engine fails; or

(2) In the case of a single-engine aircraft, descent under VFR if its engine fails.

**§ 135.155 Equipment requirements: Airplanes carrying passengers under IFR.**

No person may operate an airplane under IFR, carrying passengers, unless it has—

(a) A vertical speed indicator;

(b) A free-air temperature indicator;

(c) A heated pitot tube for each airspeed indicator;

(d) A power failure warning device or vacuum indicator to show the power available for gyroscopic instruments from each power source;

(e) An alternate source of static pressure for the altimeter and the airspeed and vertical speed indicators;

(f) In the case of a single-engine airplane, a generator or generators able to supply all probable combinations of continuous in-flight electrical loads for required equipment and for recharging the battery;

(g) In the case of multiengine airplanes, at least two generators, each of which is on a separate engine, of which any combination of one-half of the total number are rated sufficiently to supply the electrical loads of all required instruments and equipment necessary for safe emergency operation of the airplane; and

(h) Two independent sources of energy (with a means of selecting either), of which at least one is an engine-driven pump or generator, each of which is able to drive all gyroscopic instruments and installed so that failure of one instrument or source does not interfere with

the energy supply to the remaining instruments or the other energy source, unless, in the case of a single-engine aircraft, the rate-of-turn and bank-and-pitch indicators, have separate sources of energy.

For the purposes of paragraph (f) of this section, a continuous electrical load includes one that draws current continuously during flight, such as radio equipment, electrically driven instruments and lights, but does not include occasional intermittent loads. For the purpose of paragraph (h) of this section, in the case of a multiengine airplane, each engine-driven source of energy must be on a different engine.

**§ 135.157 Radio and navigational equipment: Carrying passengers under VFR at night, over-the-top, or in a control zone.**

(a) No person may operate, under VFR, an aircraft carrying passengers at night, in a control zone, or, except as provided in paragraph (c) of this section, over-the-top unless that aircraft has two-way radio communications equipment able at least, in flight, to transmit to, and receive from, ground facilities 25 miles away.

(b) No person may operate an airplane at night, or, except as provided in paragraph (c) of this section, any aircraft over-the-top, carrying passengers under VFR unless it has radio navigational equipment able to receive radio signals from the ground facilities to be used.

(c) Paragraphs (a) and (b) of this section do not apply to a person operating an aircraft under VFR over-the-top under conditions that allow—

(1) In the case of a single-engine aircraft, descent under VFR if its engine fails; or

(2) In the case of a multiengine aircraft, descent or continuation of the flight under VFR if its critical engine fails.

However, this paragraph does not exempt a person from complying with the requirements of paragraph (a) of this section when operating an aircraft at night or in a control zone, nor the requirements of paragraph (b) of this section when operating an airplane at night.

**§ 135.159 Radio and navigational equipment: Extended overwater or IFR operations.**

(a) No person may operate an aircraft under IFR or in extended overwater operations unless it has at least the following radio communication and navigational equipment appropriate to the facilities to be used and able to transmit to, and receive from, at any place on the route, at least one ground facility:

- (1) A transmitter.
- (2) Two microphones.
- (3) Two headsets or one headset and one speaker.
- (4) A marker beacon receiver.
- (5) Two independent receivers for navigation.
- (6) Two independent receivers for communications.

(7) For extended overwater operations only, an additional transmitter.

However, a receiver that can receive both communications and navigational signals may be used in place of a separate communications receiver and a separate navigational signal receiver.

(b) For the purposes of paragraphs (a)(5) and (6) of this section, a receiver is independent if the function of any part of it does not depend on the functioning of any part of another receiver.

**§ 135.161 Fire extinguishers: Passenger-carrying aircraft.**

No person may operate an aircraft carrying passengers unless it is equipped with a hand fire extinguisher that is accessible to the pilot and passengers or two hand type fire extinguishers, one of which is accessible to the pilot and the other to the passengers.

**§ 135.163 Emergency equipment: Overwater operations.**

No person may operate an aircraft in extended overwater operations unless it carries enough life rafts (with proper buoyancy) to carry all occupants of the aircraft, and unless there is attached to each life raft at least—

- (a) One canopy (for sail, sunshade, or for rain catcher);
- (b) One radar reflector (or similar device);
- (c) One life raft repair kit;
- (d) One bailing bucket;
- (e) One signaling mirror;
- (f) One police whistle;
- (g) One raft knife;
- (h) One CO<sub>2</sub> bottle for emergency inflation;
- (i) One inflation pump;
- (j) Two oars;
- (k) One 75-foot retaining line;
- (l) One magnetic compass;
- (m) One dye marker;
- (n) One flashlight;
- (o) One pyrotechnic pistol and six cartridges;
- (p) A two-day supply of emergency food rations supplying at least 1,000 calories a day for each person;
- (q) One sea water desalting kit for each two persons the raft is rated to carry, or two pints of water for each person;
- (r) One fishing kit; and
- (s) One book on survival appropriate for the area in which the aircraft is operated.

The equipment required by this paragraph must be clearly marked for identification.

**§ 135.165 Oxygen equipment requirements.**

(a) *Unpressurized aircraft:* No person may operate an aircraft at altitudes prescribed in this section unless it is equipped with enough oxygen dispensers and oxygen to supply the oxygen required for pilots by § 135.83(a) and to supply, when flying—

(1) At altitudes above 10,000 up to and including 15,000 feet MSL, oxygen so at least one occupant of the aircraft other than the pilots, for that part of the

flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 15,000 feet MSL, oxygen to each occupant of the aircraft, except the pilots.

(b) *Pressurized aircraft:* No person may operate an aircraft having a pressurized cabin unless it is equipped with enough oxygen dispensers and oxygen to, in the event of cabin pressurization failure, comply with § 135.83(a), or a two-hour supply for each pilot, whichever is greater, and to supply, when flying—

(1) At altitudes above 10,000, up to and including 15,000 feet MSL, oxygen to at least one occupant of the aircraft other than the pilots, for that part of the flight at those altitudes that is of more than 30 minutes duration; and

(2) Above 15,000 feet MSL, oxygen to each occupant of the aircraft, except the pilots, for one hour unless, at all times during flight above that altitude, the aircraft can safely descend to 15,000 feet MSL within four minutes, in which case only a 30-minute supply is required.

(c) The equipment required by this section must have a means to enable the pilot to readily determine, in flight, the amount of oxygen available in each source of supply and whether the oxygen is being delivered to the dispensing units or, in the case of individual dispensing units, a means to enable each user to make those determinations with respect to his oxygen supply and delivery.

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued in Washington, D.C., on February 28, 1964.

N. E. HALABY,  
Administrator.

[F.R. Doc. 64-2150; Filed, Mar. 4, 1964; 8:49 a.m.]

[Reg. Docket No. 1808, Amdt. 42-4]

**PART 42—AIRCRAFT CERTIFICATION AND OPERATION RULES FOR SUPPLEMENTAL AIR CARRIERS, COMMERCIAL OPERATORS USING LARGE AIRCRAFT, AND CERTIFICATED ROUTE AIR CARRIERS ENGAGING IN CHARTER FLIGHTS OR OTHER SPECIAL SERVICES**

**Flight Time Limitations; Airplanes; Overseas and International Operations; Flight Crews Consisting of Three or More Pilots and Additional Airmen**

The Federal Aviation Agency published as a notice of proposed rule making (28 F.R. 6656) and circulated as Notice 63-25 dated June 20, 1963, a proposal to amend Part 42 of the Civil Air Regulations to prescribe specific ground rest periods and duty time limitations for flight crews of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by air carriers and commercial operators certificated under Part 42 of the Civil Air Regulations.

The flight time limitations and rest requirements applicable to flight crewmembers of flight crews consisting of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by air carriers and commercial operators and governed by Part 42 of the Civil Air Regulations, were originally set forth in Paragraph 66 of the Operations Specifications issued to such air carriers and commercial operators. These rules have recently been incorporated into § 42.322 of the Revised Part 42, effective November 11, 1963. Under the provisions of these rules, members of such flight crews may be aloft as flight crewmembers for 350 hours in any 90-day period. The scheduling of adequate ground rest periods for members of such flight crews while away from home base is a responsibility which the rules place upon the operator.

The nature and overall pattern of off-route and charter type operations conducted under Part 42 in overseas and international operations have often resulted in flight crewmembers being subjected to lengthy periods of continuous duty while away from their home bases. Despite the existence of sleeping facilities on the airplane, lengthy periods of continuous duty by flight crewmembers may lead to overfatigue of such crewmembers. Therefore, in order to preclude operations which could result in flight crewmembers performing their duties in an overly fatigued condition, a limit must be set on the length of time which such flight crewmembers may be on continuous duty, and minimum requirements must be established pertaining to the rest periods necessary for such flight crewmembers while away from their home base.

The Agency in an advance notice of proposed rule making issued on August 27, 1963, (Notice 63-34 (28 F.R. 9674)), stated its intention to completely review and revise all of the flight time limitation rules applicable to all air carrier and large airplane commercial operations. In view of the scope of such review and revision, and its significance and effect on air carrier scheduling, it is not anticipated that any resultant regulatory action will be completed in the very near future. It is clear that the prescription of the rules contained in this amendment cannot be delayed, and must be established in the interim prior to the overall revision of all flight time rules. However, in view of this overall revision the amendments contained herein are limited to the minimum which the Agency believes to be of immediate urgency.

The majority of the comments received in response to Notice 63-25 favored the adoption of specific limitations on the length of continuous duty periods as proposed. Many of the comments recommended more stringent specific hourly limitations than those proposed. Comments received from one air carrier opposed the proposal on two grounds: First, the proposed 30-hour limitation on the length of a continuous duty period is completely unreasonable; and second, the proposal was inequitable because it was not required for scheduled air car-

riers operating off-route charter flights. In support of the first contention, the air carrier stated that in its cargo operations the aircraft is required to be positioned for loading at least 4 hours prior to scheduled departure and remain on the ground as much as 3 hours at an intermediate stop. Moreover, if a limitation is to be placed upon the continuous duty time, appropriate amendments should be made to the rest period required upon return of the flight crewmember to his principal operations base.

Setting forth a maximum duty time limitation will no doubt necessitate some burden and changes in operating procedures for some air carriers. However, the specific limitation on duty time and requirements for rest which are contained in this amendment are considered adequate both as the minimum requirements for safety of operations, and in order to permit the air carriers reasonable flexibility in the utilization of flight crewmembers.

Upon further consideration, the Agency decided that the words "reports for duty" should be substituted for "goes on duty" in the second sentence of proposed § 42.49(a). The change was made in order to clearly indicate that in the case of a delayed flight, the duty period begins at the time the crewmember reports for duty as scheduled, rather than the time at which he actually starts the preflight duties for the particular flight.

In Notice 63-25 it was proposed to add a new § 42.49 to Part 42 to set a limitation on the scheduling authorized in the Operations Specifications. However, since the flight time limitations contained in the Operations Specifications have been incorporated in the Revised Part 42, the amendment proposed in the notice is issued in the form of an amendment of § 42.322 of Revised Part 42.

Notice 63-25 proposed to amend Part 42 only insofar as supplemental air carriers and commercial operators were concerned. However, scheduled air carriers, certificated under Part 40 or 41, when conducting off-route operations in accordance with the operating rules of Part 42, are subject to the same problems and difficulties in crew scheduling and management as are Part 42 carriers. Accordingly, while this amendment, adopted pursuant to Notice 63-25, concerns itself only with those supplemental air carriers and commercial operators certificated under Part 42, a notice of proposed rule making to establish the same duty time limitations for scheduled air carriers when conducting flights under the operating rules of Part 42 is being published concurrently with the publication of this amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, § 42.322 of Revised Part 42 of the Civil Air Regulations (28 F.R. 7124) is hereby amended redesignating paragraphs (c),

(d), and (e) as paragraphs (d), (e), and (f); and by adding a new paragraph (c) to read as follows, effective April 6, 1964:

§ 42.322 Flight crew of three or more pilots and additional airmen, as required.

(c) (1) An air carrier or commercial operator certificated under this part shall not schedule any flight crewmember to be on continuous duty in excess of 30 hours. Such a flight crewmember is considered on continuous duty from the time he reports for duty until the time he is released from duty for a period of rest of 10 or more consecutive hours on the ground.

(2) If such a flight crewmember is on continuous duty in excess of 24 hours, whether scheduled or not, during any one scheduled duty period, he must receive at least 16 hours for rest on the ground after completion of the last flight scheduled for that scheduled duty period, before being assigned any further flight duty.

(3) If such a flight crewmember is required to engage in deadhead transportation in excess of 4 hours before commencing flight duty, one-half of the time spent in deadhead transportation must be treated as duty time for purposes of determining compliance with duty time limitations, unless he is given not less than 10 hours for rest on the ground before being assigned to flight duty.

Issued in Washington, D.C., on February 28, 1964.

N. E. HALABY,  
Administrator.

[F.R. Doc. 64-2152; Filed, Mar. 4, 1964; 8:49 a.m.]

[Airspace Docket No. 63-CE-112]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airways, Control Area Extension and Transition Area

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12941) stating that the Federal Aviation Agency proposed to revoke alternate airway segments of VOR Federal airway Nos. 13, 15, and 172, redescribe the northeast boundary of the east portion of the Des Moines, Iowa, control area extension and the west boundary of the north portion of the St. Joseph, Mo., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V-13 "Lamoni, Iowa, including an E alternate via INT of Kansas City 035° and Lamoni 174° radials; Des

Moines, Iowa, including an E and a W alternate;" is deleted and "Lamoni, Iowa; Des Moines, Iowa, including a W alternate;" is substituted therefor.

b. In V-15 "From Kansas City, Mo., via St. Joseph, Mo., including an E alternate via INT of Kansas City 020° and St. Joseph 132° radials; INT of St. Joseph 343° and Neola, Iowa, 157° radials; Neola, including an E alternate via INT of St. Joseph 358° and Neola 142° radials;" is deleted and "From Kansas City, Mo., via St. Joseph, Mo.; INT of St. Joseph 343° and Neola, Iowa, 157° radials; Neola;" is substituted therefor.

c. In V-172 "Cedar Rapids, Iowa, including an S alternate via INT of Newton 099° and Cedar Rapids 238° radials;" is deleted and "Cedar Rapids, Iowa;" is substituted therefor.

2. Section 71.165 (29 F.R. 1073) is amended as follows: In Des Moines, Iowa "on the NE by V-172S," is deleted and "on the NE by V-172," is substituted therefor.

3. Section 71.181 (29 F.R. 1160) is amended as follows: In St. Joseph, Mo. "on the W by V-15E," is deleted and "on the W by V-15," is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
*Acting Chief, Airspace Regulations  
and Procedures Division.*

[F.R. Doc. 64-2110; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-CE-114]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airways and Control Area Extension

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12942) stating that the Federal Aviation Agency proposed to revoke alternate airway segments of VOR Federal airways Nos. 10, 50, 52, and 233 and redesignate a boundary description of the Moline, Ill., control area extension.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. Section 71.123 (29 F.R. 1009) is amended as follows:

a. In V-10 "including an S alternate; Bradford, Ill., including an N alternate;" is deleted and "Bradford, Ill.;" is substituted therefor.

b. In V-50 "Quincy, Ill., including an S alternate via INT of Kirksville 121° and Quincy 258° radials;" is deleted and "Quincy, Ill.;" is substituted therefor.

c. In V-52 "Ottumwa, Iowa, including an S alternate; Quincy, Ill., including an N alternate;" is deleted and "Ottumwa,

Iowa; Quincy, Ill.;" is substituted therefor.

d. In V-233 "Peoria, Ill., including an E alternate from Capital to Peoria via INT of Capital 014° and Peoria 122° radials;" is deleted and "Peoria, Ill.;" is substituted therefor.

2. Section 71.165 (29 F.R. 1073) is amended as follows: In Moline, Ill. "on the S by V-10 N alternate" is deleted and "on the S by V-10" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
*Acting Chief, Airspace Regulations  
and Procedures Division.*

[F.R. Doc. 64-2111; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-SW-70]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Federal Airways

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12943) stating that the Federal Aviation Agency proposed to realign the segment of VOR Federal airway No. 222 from Lake Charles, La., direct to McComb, Miss.; realign the north alternate segment of VOR Federal airway No. 20 from Lake Charles to Lafayette, La.; and realign the north alternate segment of VOR Federal airway No. 70 from Lafayette to Baton Rouge, La.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments but no comments were received.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

Section 71.123 (28 F.R. 11533, 29 F.R. 1009) is amended as follows:

a. In V-20 "including an N alternate via INT of Lake Charles 058° and Lafayette 285° radials;" is deleted and "including an N alternate via INT of Lake Charles 064° and Lafayette 285° radials;" is substituted therefor.

b. In V-70 "including an N alternate via INT of Lafayette 012° and Baton Rouge 272° radials;" is deleted and "including an N alternate via INT of Lafayette 012° and Baton Rouge 264° radials;" is substituted therefor.

c. In V-222 "INT of Lake Charles 058° and McComb, Miss., 251° radials; McComb;" is deleted and "McComb (11-mile wide airway from 45 nmi from Lake Charles to 50 nmi from Lake Charles; thence 12-mile wide airway to 55 nmi from Lake Charles; thence 13-mile wide airway to 60 nmi from Lake Charles; thence 14-mile wide airway to 65 nmi from Lake Charles; thence 15-mile wide airway to 65 nmi from McComb; thence 14-mile wide airway to 60 nmi from McComb; thence 13-mile wide airway to

55 nmi from McComb; thence 12-mile wide airway to 50 nmi from McComb; thence 11-mile wide airway to 45 nmi from McComb):" is substituted therefor.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
*Acting Chief, Airspace Regulations  
and Procedures Division.*

[F.R. Doc. 64-2112; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-WA-60]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Area

On December 28, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 14445) stating that the Federal Aviation Agency was considering an amendment to Part 71 [New] of the Federal Aviation Regulations by altering Control 1485 (Fairbanks, Alaska).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

In consideration of the foregoing, the following action is taken:

In § 71.163 (29 F.R. 1068), Control 1485 is amended to read:

Control 1485.

That airspace N of Fairbanks, Alaska, extending from 18,500 feet MSL to Flight Level 450 bounded by a line beginning at latitude 72°00'00" N., longitude 144°13'15" W., to latitude 72°00'00" N., longitude 129°00'00" W., to latitude 69°00'00" N., longitude 141°00'00" W., to latitude 64°39'30" N., longitude 145°50'00" W., to latitude 65°00'00" N., longitude 149°10'00" W., to point of beginning, excluding the portion under the jurisdiction of Canada.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Secs. 307(a), 1110, 72 Stat. 749, 800; 49 U.S.C. 1348, 1510; E.O. 10854, 24 F.R. 9565)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
*Acting Chief, Airspace Regulations  
and Procedures Division.*

[F.R. Doc. 64-2108; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-WE-50]

## PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

### Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On December 5, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12940) stating that the Federal Aviation Agency proposed to alter the Idaho Falls, Idaho, control zone, revoke the Idaho Falls con-

control area extension and designate the Idaho Falls transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

The substance of the proposed amendments having been published and for the reasons stated in the notice, the following actions are taken:

1. In § 71.171 (29 F.R. 1101), the Idaho Falls, Idaho, control zone is amended to read:

*Idaho Falls, Idaho.*

Within a 5-mile radius of the Fanning Field, Idaho Falls, Idaho, (latitude 43°31'05" N., longitude 112°04'05" W.); within a 1-mile radius of Rigby, Idaho, Airport (latitude 43°38'45" N., longitude 111°55'45" W.); within 2 miles each side of the Idaho Falls-VOR 223° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of the Idaho Falls VOR 030° radial, extending from the 5-mile radius zone to 11 miles NE of the VOR; and within 2 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

2. In § 71.165 (29 F.R. 1073), is amended by revoking the following control area extension:

*Idaho Falls, Idaho.*

3. In § 71.181 (29 F.R. 1160) is amended by adding the following transition area:

That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Idaho Falls VOR 030° and 223° radials, extending from 12 miles SW to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the east by longitude 111°45'00" W., and a line 9 miles E of and parallel to the Idaho Falls VOR 033° and 213° radials, on the S by latitude 43°17'00" N., on the W by the E boundary of V-257 and on the N by a line extending from latitude 43°52'30" N., longitude 112°10'50" W., to latitude 43°45'00" N., longitude 112°06'00" W., to latitude 43°45'00" N., longitude 111°45'00" W., excluding the portion within the Dubois, Idaho, transition area.

These amendments shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
Acting Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-2109; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-WE-69]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]**

**Alteration of Federal Register Document**

On February 11, 1964, FEDERAL REGISTER Document 64-1300 was published in the FEDERAL REGISTER (29 F.R. 2337), effective April 2, 1964. This document amended Part 71 [New] of the Federal Aviation Regulations by revoking seg-

ments of VOR Federal airway No. 8 south alternate between Bryce Canyon, Utah, and Hanksville, Utah, and between Grand Junction, Colo., and Kremmling, Colo.

Subsequent to publication of the amendment, the Agency has determined that the minimum en route altitude for the segment of Victor 8 between Bryce Canyon and Hanksville should be raised from 13,000 feet MSL to 13,300 feet MSL. This would provide only one cardinal altitude on this airway segment. The minimum en route altitude on Victor 8 south alternate between Bryce Canyon and Hanksville is 13,000 feet MSL which provides two cardinal altitudes on this airway segment. Therefore, it is in the public interest to retain this segment of Victor 8 south alternate and such action is taken herein.

Since 30 days will elapse from the time of publication of this action to the effective date of the rule as originally adopted, this change is in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, the amendment cited in Federal Register Document 64-1300 (29 F.R. 2337) is altered to read as follows:

Section 71.123 (29 F.R. 1009) is amended as follows: In V-8 "to Kremmling, Colo., including an S alternate." is deleted and "to Kremmling, Colo." is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
Acting Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-2113; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-SO-93]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]**

**Designation of Transition Area**

On November 27, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12628) stating that the Federal Aviation Agency proposed to designate the Yazoo City, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable.

The substance of the proposed amendment having been published, and for the reasons stated in the Notice, § 71.181 (29 F.R. 1160) is amended to add the Yazoo City, Miss., transition area:

*Yazoo City, Miss.:*

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Barrier Field, Yazoo City, Miss. (latitude 32°52'30" N., longitude 90°24'25" W.); within 2 miles each side of the 100° bearing from latitude 32°52'00" N., longitude 90°23'31" W., extending from the 5-mile radius area to 8 miles east of latitude 32°52'00" N., longitude 90°23'31" W.; and that airspace extending upward from 1,200 feet above the

surface within 5 miles each side of the 280° bearing from latitude 32°52'00" N., longitude 92°23'31" W., extending from latitude 32°52'00" N., longitude 92°23'31" W. to 18 miles west; and within 8 miles north and 5 miles south of the 100° bearing from latitude 32°52'00" N., longitude 92°23'31" W., extending from latitude 32°52'00" N., longitude 92°23'31" W. to 12 miles east, effective from 0530 to 2215 hours local time, daily.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
Acting Chief, Airspace Regulations  
and Procedures Division.

[F.R. Doc. 64-2114; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Airspace Docket No. 63-134]

**PART 73—SPECIAL USE AIRSPACE [NEW]**

**Alteration of Restricted Area**

The purpose of these amendments to § 73.45 of the Federal Aviation Regulations is to redesignate the Fort Leonard Wood, Mo., Restricted Area R-4501 as two restricted areas of lesser dimensions.

The Department of the Army has advised that R-4501 contains approximately 60 square miles of airspace no longer required for accomplishment of Army firing activities. The Army states their firing activities can be contained in approximately 36 square miles of the present area and has requested that two joint use restricted areas, R-4501A and R-4501B, be designated to replace R-4501. Further, the designated altitudes of these areas will be less than the present "Surface to 6,000 feet MSL" altitude designation of R-4501.

Since these amendments reduce a burden on the public, notice and public procedure hereon is unnecessary and they may be made effective immediately.

In consideration of the foregoing, § 73.45 Missouri (29 F.R. 1260) is amended as follows:

1. R-4501 Fort Leonard Wood, Mo., is revoked.
2. R-4501A Fort Leonard Wood West, Mo., is added to read:

*R-4501A Fort Leonard Wood West, Mo.:*

*Boundaries.* Beginning at latitude 37°41'06" N., longitude 92°09'17" W.; to latitude 37°38'15" N., longitude 92°09'17" W.; to latitude 37°37'10" N., longitude 92°13'45" W.; to latitude 37°37'10" N., longitude 92°15'06" W.; to latitude 37°38'42" N., longitude 92°15'06" W.; to latitude 37°41'07" N., longitude 92°14'23" W.; to the point of beginning.

*Designated altitudes.* Surface to 5,600 feet MSL.

*Time of designation.* Continuous.

*Controlling agency.* Federal Aviation Agency, St. Louis ARTC Center.

*Using agency.* Commanding General, Fort Leonard Wood, Mo.

3. R-4501B Fort Leonard Wood East, Mo., is added to read:

*R-4501B Fort Leonard Wood East, Mo.:*

*Boundaries.* Beginning at latitude 37°43'00" N., longitude 92°06'55" W.; to latitude 37°42'11" N., longitude 92°06'14" W.; to latitude 37°39'07" N., longitude 92°06'17" W.; to latitude 37°38'15" N., longitude

## RULES AND REGULATIONS

92°09'17" W.; to latitude 37°43'02" N., longitude 92°09'17" W.; to the point of beginning.

**Designated altitudes.** The area north of a line between latitude 37°42'51" N., longitude 92°06'02" W., and latitude 37°42'53" N., longitude 92°09'17" W. surface to 1,500 feet MSL. The area south of this line, surface to 2,200 feet MSL.

**Time of designation.** Continuous.

**Controlling agency.** Federal Aviation Agency, St. Louis ARTC Center.

**Using agency.** Commanding General, Fort Leonard Wood, Mo.

These amendments shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,  
Director, Air Traffic Service.

[F.R. Doc. 64-2115; Filed, Mar. 4, 1964; 8:46 a.m.]

[Airspace Docket No. 63-EA-48]

### PART 73—SPECIAL USE AIRSPACE [NEW]

#### Alteration of Restricted Area

On October 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11073) stating that the Federal Aviation Agency was considering amendments to § 73.52 of the Federal Aviation Regulations which would alter the boundaries of the Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor R-5204. The notice stated also that the description of the Rome, N.Y., control zone (§ 71.171) would be amended to require approval from appropriate authority prior to operation within that portion of the control zone which coincides with R-5204. The description of the Rome control zone is not changed herein since this requirement is specified in § 91.95 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.52 New York (29 F.R. 1267, January 24, 1964), R-5204 Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor is amended to read:

**R-5204 Rome, N.Y. (Griffiss AFB), Restricted Area/Military Climb Corridor:**

**Boundaries.** From a point of beginning at latitude 43°16'05" N., longitude 75°27'20" W., the area centered on a bearing therefrom of 314°, extending to a point 30 nmi northwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

**Designated altitudes.** Surface to flight level 240 from point of beginning to 3 nmi northwest. 2,000 feet MSL to flight level 240 from 3 to 6 nmi northwest of point of beginning. 5,000 feet MSL to flight level 240 from 6 to 11 nmi northwest of point of beginning. 10,000 feet MSL to flight level 240 from 11 to 15 nmi northwest of point of beginning. 14,000 feet MSL to flight level 240 from 15 to 19 nmi northwest of point

of beginning. 16,000 feet MSL to flight level 240 from 19 to 25 nmi northwest of point of beginning. 20,000 feet MSL to flight level 240 from 25 to 30 nmi northwest of point of beginning.

**Time of designation.** Continuous.  
**Controlling agency.** Federal Aviation Agency, Griffiss Approach Control.  
**Using agency.** Commander, Griffiss AFB, N.Y.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,  
Director, Air Traffic Service.

[F.R. Doc. 64-2116; Filed, Mar. 4, 1964; 8:47 a.m.]

[Airspace Docket No. 63-EA-50]

### PART 73—SPECIAL USE AIRSPACE [NEW]

#### Alteration of Restricted Area

On October 16, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11073) stating that the Federal Aviation Agency was considering an amendment to § 73.41 of the Federal Aviation Regulations which would alter the boundaries of the Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor R-4103. The notice stated also that the description of intermediate altitude airway No. 1697 (§ 71.143) would be amended to require approval from appropriate authority prior to operation within that portion of this airway which coincides with R-4103. The description of this airway is not changed herein since this requirement is specified in Section 91.95 of the Federal Aviation Regulations.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.41 Massachusetts (29 F.R. 1256), R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor is amended to read:

**R-4103 Falmouth, Mass. (Otis AFB), Restricted Area/Military Climb Corridor.**

**Boundaries.** That area within the United States from a point of beginning at latitude 41°41'35" N., longitude 70°29'05" W., centered on Otis AFB TACAN 033° radial, extending to a point 30 nmi northeast, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

**Designated altitudes.** Surface to flight level 240 from point of beginning to 2 nmi NE. 1,000 feet MSL to flight level 240 from 2 to 3 nmi NE of point of beginning. 2,000 feet MSL to flight level 240 from 3 to 6 nmi NE of point of beginning. 5,000 feet MSL to flight level 240 from 6 to 11 nmi NE of point of beginning. 10,000 feet MSL to flight level 240 from 11 to 15 nmi NE of point of beginning. 14,000 feet MSL to flight level 240 from 15 to 19 nmi NE of point of beginning. 16,000 feet MSL to flight level 240 from 19 to 25 nmi NE of point of beginning. 20,000 feet MSL to flight level 240 from 25 to 30 nmi NE of point of beginning.

**Time of designation.** Continuous.  
**Controlling agency.** Federal Aviation Agency, Otis Approach Control.  
**Using agency.** Commander, Otis AFB, Mass.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,  
Director, Air Traffic Service.

[F.R. Doc. 64-2117; Filed, Mar. 4, 1964; 8:47 a.m.]

[Airspace Docket No. 63-EA-58]

### PART 73—SPECIAL USE AIRSPACE [NEW]

#### Alteration of Restricted Area/Military Climb Corridor

On October 18, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 11199) stating that the Federal Aviation Agency was considering an amendment to § 73.50 of the Federal Aviation Regulations which would alter the Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor R-5003.

No adverse comments were received concerning the proposal.

In consideration of the foregoing and for the reasons stated in the notice, the following action is taken:

In § 73.50 New Jersey (29 F.R. 1264), R-5003 Wrightstown, N.J. (McGuire AFB), Restricted Area Military climb corridor is amended to read:

**R-5003 Wrightstown, N.J. (McGuire AFB), Restricted Area/Military Climb Corridor:**

**Boundaries.** From a point of beginning at latitude 39°59'05" N., longitude 74°38'00" W., the area centered on the McGuire AFB TACAN 224° radial, extending to a point 30 nmi southwest, having a width of 1 nmi at the beginning and expanding uniformly to a width of 6 nmi at the outer extremity.

**Designated altitudes.** 1,500 feet MSL to 23,000 feet MSL from point of beginning to 3 nmi SW. 2,000 feet MSL to 23,000 feet MSL from 3 nmi to 6 nmi SW of point of beginning. 5,000 feet MSL to 23,000 feet MSL from 6 nmi to 11 nmi SW of point of beginning. 10,000 feet MSL to 23,000 feet MSL from 11 nmi to 15 nmi SW of point of beginning. 14,000 feet MSL to 23,000 feet MSL from 15 nmi to 19 nmi SW of point of beginning. 16,000 feet MSL to 23,000 feet MSL from 19 nmi to 25 nmi SW of point of beginning. 20,000 feet MSL to 23,000 feet MSL from nmi to 30 nmi SW of point of beginning.

**Time of designation.** Continuous.  
**Using agency.** McGuire AFB Approach Control.

This amendment shall become effective 0001 e.s.t., April 30, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,  
Director, Air Traffic Service.

[F.R. Doc. 64-2118; Filed, Mar. 4, 1964; 8:47 a.m.]

[Airspace Docket No. 63-SO-100]

**PART 73—SPECIAL USE AIRSPACE  
[NEW]****Alteration of Restricted Area**

The purpose of this amendment to § 73.53 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-5306C, Cherry Point, North Carolina.

Restricted Area R-5306C is presently designated from the surface to 20,000 feet MSL on a continuous basis. The Commanding General, Marine Corps Air Station, Cherry Point, N.C., is the using agency.

The Department of the Navy has advised that due to a change in operational activities, the western portion of R-5306C is no longer required. In addition, the deletion of the western portion of R-5306C will also reduce a potential conflict between restricted area activities and control zone operations in the vicinity of New River MCAS, North Carolina. Such action is taken herein.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure and effective date requirements of Section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 73.53 North Carolina (29 F.R. 1269, January 24, 1964), R-5306C, Cherry Point, N.C., Restricted Area is amended to read:

**R-5306C Cherry Point, N.C.**

**Boundaries.** Beginning at latitude 34°-40'00" N., longitude 77°-22'00" W.; to latitude 34°-36'05" N., longitude 77°-26'08" W.; to latitude 34°-37'25" N., longitude 77°-29'00" W.; to latitude 34°-40'40" N., longitude 77°-23'00" W.; to point of beginning.

**Designated altitudes.** Surface to 20,000 feet MSL.

**Time of designation.** Continuous.

**Using agency.** Commanding General, U.S. Marine Corps Air Station, Cherry Point, N.C.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on February 26, 1964.

LEE E. WARREN,  
Director, Air Traffic Service.

[F.R. Doc. 64-2119; Filed, Mar. 4, 1964; 8:47 a.m.]

**Chapter III—Federal Aviation Agency****SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Doc. No. 2083; Amdt. 696]

**PART 507—AIRWORTHINESS  
DIRECTIVES****Piper Model PA-28 Aircraft**

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the control wheels and replacement if cracks are found on Piper Model PA-28 aircraft was published in 28 F.R. 12945.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment was received recommending that the AD not be issued since the manufacturer's Service Letter No. 396 covered the same subject. Compliance with the service letter is not mandatory. The AD is the means by which corrective action is required. It was also suggested that removal of the Piper medallion from the face of the control wheel was not necessary since cracks would be visible long before failure could occur. Since there have been cases of complete failure of the control wheel, it is considered necessary in the interest of safety to require a thorough inspection of the entire area. This can only be accomplished when the medallion is removed.

Another comment stated that cracked control wheels are not critical enough to be covered by an AD, particularly on PA-28 aircraft which are equipped with dual controls. Since failures are likely to occur during takeoff or landing, there might not be sufficient time to enable the pilot to regain control through use of the remaining control wheel. Accordingly this AD is considered necessary in the interest of safety.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

**PIPER.** Applies to all Model PA-28 aircraft, Serial Numbers 28-1 to 28-868 inclusive, with control wheel assembly, P/N 62818, installed.

Compliance required as indicated. To preclude failure of the control wheel, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD:

(1) Remove the Piper medallion from the face of the control wheel.

(2) Inspect the control wheel for cracks in the hub front and back, and in the area of the retaining pin, using dye penetrant in conjunction with at least a 5-power magnifying glass, or FAA-approved equivalent inspection method.

(3) Sand any suspected area with crocus cloth or equivalent to remove any mold marks and reinspect as in (2).

(b) If no cracks are found, or if the total cumulative length of all cracks found does not exceed  $\frac{3}{16}$  inch, repeat the inspection in (a) at intervals not exceeding 100 hours' time in service.

(c) If the total cumulative length of all cracks found exceeds  $\frac{3}{16}$  inch, but does not exceed  $\frac{3}{8}$  inch, replace the assembly with a new control wheel assembly, P/N 62824 or P/N 62818, within the next 50 hours' time in service.

(d) If the total cumulative length of all cracks found exceeds  $\frac{3}{8}$  inch, replace the assembly, as in (c), within 10 hours' time in service.

(e) When a new control wheel assembly, P/N 62824, is installed, this AD is no longer applicable.

(f) When a new control wheel assembly, P/N 62818, is installed, accomplish the inspections per paragraph (a) at intervals of 100 hours' time in service.

(Piper Service Letter No. 396 on the Model PA-28 pertains to this same subject.)

This amendment shall become effective April 6, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 27, 1964.

EDWARD C. HODSON,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 64-2120; Filed, Mar. 4, 1964; 8:47 a.m.]

**Title 21—FOOD AND DRUGS****Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****SUBPART A—GENERAL****PART 8—COLOR ADDITIVES****Subpart F—Listing of Color Additives for Drug Use Exempt From Certification****β-CAROTENE; LISTING FOR DRUG USE; EXEMPTION FROM CERTIFICATION**

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b) (1), (c) (2), 74 Stat. 399, 402; 21 U.S.C. 376 (b) (1), (c) (2)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), the Commissioner of Food and Drugs, based on a petition filed by Hoffmann-La Roche, Inc., Nutley, New Jersey, and other relevant material, finds that β-carotene, when used in accordance with the conditions prescribed in this order, is safe for use in or on ingested drugs and that certification is not necessary for the protection of the public health. Therefore, it is ordered, That Part 8 be amended by adding to Subpart F the following new section:

**§ 8.6004 β-Carotene.**

(a) **Identity and specifications.** (1) The color additive β-carotene shall conform in identity and specifications to the requirements of § 8.304 (a) (1) and (b).

(2) The diluents in color additive mixtures for drug use containing β-carotene are limited to those listed in Subpart F of this Part 8 as safe and suitable in color additive mixtures for coloring ingested drugs.

(b) **Uses and restrictions.** β-Carotene may be used for coloring ingested drugs generally in amounts consistent with good manufacturing practice.

(c) **Labeling requirements.** The labeling of the color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall conform to the requirements of § 8.32.

(d) **Exemption from certification.** Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the Act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER

file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto preferably in quintuplicate. Objections shall show where in the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

**Effective date.** This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2))

Dated: February 28, 1964.

WINTON B. RANKIN,  
Assistant Commissioner for Planning.  
[F.R. Doc. 64-2139; Filed, Mar. 4, 1964;  
8:48 a.m.]

## Title 41—PUBLIC CONTRACTS

### Chapter 9—Atomic Energy Commission

#### MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 9 of Title 41 is amended as set forth below.

#### PART 9-58—RENTAL OF CONSTRUCTION EQUIPMENT

The following part is added:

- Sec.  
9-58.000 Scope of part.  
9-58.001 Applicability.  
9-58.002 General policy.
- Subpart 9-58.1—Rental of Contractor-Owned  
Equipment
- 9-58.101 Rental agreement.  
9-58.102 Rental period.  
9-58.103 Rental rates.  
9-58.104 Application of rates.  
9-58.105 Insurance.  
9-58.106 Rental limitation.  
9-58.107 Record of negotiation.  
9-58.108 Responsibility for repair and replacement.  
9-58.109 Equipment condition and inspection.
- Subpart 9-58.2—Rental of Third Party-Owned  
Equipment
- 9-58.201 Rental agreement.  
9-58.202 Rental rates.  
9-58.203 Insurance.  
9-58.204 Option to purchase equipment.

**AUTHORITY:** The provisions in this Part 9-58 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 205, 63 Stat. 390; 49 U.S.C. 486.

#### § 9-58.000 Scope of part.

This part sets forth general policy and instructions relating to rental of construction equipment for use by AEC cost-type contractors.

#### § 9-58.001 Applicability.

This part applies to the rental of equipment for use by AEC cost-type prime contractors and by their cost-type subcontractors, regardless of the contract tier.

#### § 9-58.002 General policy.

It is the policy of the AEC:

(a) To use presently owned AEC construction equipment to the fullest extent. Careful investigation shall be made of the equipment available not only at the Field Office concerned, but at other Field Offices to determine whether such equipment can be economically utilized on the job. The Office of the Controller, Headquarters, can assist in the investigation of excess equipment available in other offices.

(b) To rent construction equipment, where available, rather than purchase it, unless in the case of third party-owned equipment the Field Office determines that accrued rentals on a particular item of equipment will approximate the cost of ownership of it; except, however, individual items of construction equipment having an original cost of less than \$1,000 ordinarily should be purchased and not rented. Where it is clearly to the advantage of the Government, items having a cost of less than \$1,000 may be rented with the approval of the Manager of the Field Office. Whenever it is practical, cost and other factors considered, contractor-owned equipment shall be rented in preference to renting third party-owned equipment.

(c) To pay rental for construction equipment at rates not higher than those prevailing in the locality, except under unusual circumstances, and at as low a rate as is consistent with securing modern equipment in good operating condition. Costs of repair, job interruption due to poor equipment, transportation, and in-transit rental may well offset any apparent savings in rental rates. Rental paid shall be subject to any Government price ceiling regulations that may be in effect.

#### Subpart 9-58.1—Rental of Contractor-Owned Equipment

##### § 9-58.101 Rental agreement.

The terms and conditions governing rental by the AEC of construction equipment from a prime cost-type construction contractor are set forth in AECPR 9-16.5002-12, Outline of agreement for rental of contractor-owned construction equipment. This form of agreement is designed for use as an appendix to an AEC cost-type construction contract. It may be modified for rental of equipment under other contractual arrangements, such as an operating contractor renting from a cost-type construction subcontractor, and it may be modified for use as a separate contract or as an attachment

to a subcontract. Managers of Field Offices shall promptly advise the Director, Division of Contracts, Headquarters, of any substantial deviations from the form of agreement. Some of the aspects of this agreement to which particular attention should be given are set forth in §§ 9-58.102 through 9-58.109.

##### § 9-58.102 Rental period.

The base rental period shall extend from the time the equipment is accepted at the job site until the contractor is notified in writing by the AEC's representative that the equipment is no longer required. Subject to applicable limitations covered in the rental agreement form, the contractor shall be paid rental during the in-transit time and during the time required for equipment repair or replacement prior to return to the contractor.

##### § 9-58.103 Rental rates.

(a) Rates for rental of contractor-owned equipment shall be fair and equitable. The rental rates contemplate that the AEC will pay incoming and outgoing transportation costs and rental during in-transit time for both inbound and outbound transportation of equipment; however, terms more favorable to the AEC may be negotiated where appropriate. The rental rates to be paid for the use of contractor-owned equipment under normal conditions should not exceed 65 percent of the rates quoted in the latest edition of the Associated Equipment Distributors' "Compilation of Averaged Rental Rates for Construction Equipment." However, Managers of Field Offices may approve rates in excess of 65 percent of the current A.E.D. schedule when local conditions require higher rates. Each such instance of departure from the rental ceiling shall be reported to the Director, Division of Contracts, Headquarters, explaining the circumstances leading to the Manager's decision.

(b) For items of equipment that are not covered by the A.E.D. schedule, use the latest edition of "Contractors' Equipment Ownership Expense" document published by The Associated General Contractors of America, Inc., and information on prevailing local rates for developing rates that would be consistent with the 35 percent reduction in the A.E.D. rates (i.e., taking into consideration the expenses paid by the Government under the rental agreement).

##### § 9-58.104 Application of rates.

The rental rates shall be applied in accordance with the following rules:

(a) **Basis of rates.** The rates shall be based upon one shift of 8 hours per day, 40 hours per week, or 176 hours per month of a 30 consecutive-day period.

(b) **Apportionment of rates.** The monthly rate and its pro rata shall apply to all rental periods of one month or more. The weekly rate and its pro rata shall apply to all rental periods of one week or more up to one month. The daily rate and its pro rata shall apply to all rental periods up to one week.

(c) *Overtime.* Inasmuch as there are certain elements of cost to an equipment owner which do not change even though the equipment is used on more than one shift per day, it is believed equitable to pay a lower rental rate during a second and third shift than would be paid during a single shift. Therefore, the rental agreement form provides for payment for overtime at a rate equal to one-half the rate for the first shift.

§ 9-58.105 Insurance.

(a) Generally, rental rates should include the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods. The rental agreement for contractor-owned equipment is so worded.

(b) However, if the Contracting Officer determines that it is not practical to include the cost of such insurance in the rental rates, paragraphs 3(d) and 7(a) shall be amended as indicated in the applicable notes following these paragraphs in AECPR 9-16.5002-12.

§ 9-58.106 Rental limitation.

The rental agreement form provides that when the total amount of rental paid to the contractor for any one unit of equipment equals 75 percent of the mutually agreed value of that unit as set forth in the initial inspection report, the equipment is to remain available for the work under the construction contract as long as it will be required without any further rental payments to the contractor. The rental ceiling of 75 percent of the agreed-upon value of the equipment applies to all rental paid, including rental paid during in-transit time to and from the site of the work and down time for any operating repairs or restoration of the equipment after it is no longer needed at the site. The purpose of this provision is to prevent the Government from paying rental in excess of the contractor's investment, and it is included in lieu of an "option to purchase clause." Once a particular piece of equipment has been released, the contractor will not be required to return it to the job under the original rental period.

§ 9-58.107 Record of negotiation.

The record of negotiation shall set forth the information used to determine the reasonableness of the rental rates, including a breakdown of the contractor's equipment ownership expense similar to that itemized in The Associated General Contractors of America's document, "Contractors' Equipment Ownership Expense."

§ 9-58.108 Responsibility for repair and replacement.

The rental agreement describes the responsibilities of the parties with respect to maintenance and repair necessary to the operation of the rented equipment, or replacement of such equipment. The AEC's responsibility includes repairs resulting from normal wear and tear, provided they were necessary in order to continue the equipment in service. However, when the equipment is no longer required on the job, the extent of the AEC's obligation is only to return the

equipment to the contractor in as good operating condition as when received, less normal wear and tear.

§ 9-58.109 Equipment condition and inspection.

(a) *Inspection.* Construction equipment shall be given a rigid and detailed inspection by representatives of the AEC and, at the contractor's option, by representatives of the contractor, before its shipment and acceptance or use on the job. Equipment shall be inspected under actual workloads insofar as practicable. In cases where it is not practical to inspect equipment prior to its shipment to the job site, the contractor should be informed of the extent of inspection and the expected condition of his equipment. In the event the equipment does not meet required standards, the transportation, rental or any other expenses shall not be paid by the AEC unless at contractor's expense the equipment is repaired to acceptable standards in a reasonable length of time. A similar inspection shall be made immediately prior to scheduled return shipment of an item of equipment.

(b) *Inspection report.* The detailed inspection report shall follow in general AECPR 9-16.5002-14, Outline of inspection report of equipment, and shall be signed by each representative inspecting. The initial inspection report shall be used at the time of release as a basis for determining the repairs necessary to place the equipment in as good operating condition as when accepted, less normal wear and tear. After necessary repairs are completed, a final inspection report shall be completed by representatives of the AEC and, at his option, the contractor.

(c) *Trial period and defects.* If initial detailed inspection discloses that the condition of the equipment is doubtful, arrangements should be made with the contractor for a trial period of operation to prove the equipment, with provision that if equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the contractor. Repairs to equipment which fails in service due to defects not reasonably ascertainable on initial inspection shall be at the contractor's expense.

Subpart 9-58.2 Rental of Third Party-Owned Equipment

§ 9-58.201 Rental agreement.

The terms and conditions governing rental by an AEC prime cost-type construction contractor (lessee) of construction equipment without operators from a third party (lessor) are in accordance with §§ 9-58.102, 9-58.104, 9-58.108, and 9-58.109 and they are set forth in AECPR 9-16.5002-13, Outline of agreement for rental of third party-owned construction equipment. Similar terms and conditions shall be used by other AEC cost-type contractors or subcontractors in renting construction equipment from a third party. These terms and conditions may be suitably modified to provide for rental of equipment with operators. Managers of Field Offices shall promptly advise the Director of the Division of Contracts, Headquarters, of any substan-

tial deviations from this form of agreement. Some of the aspects of this agreement to which particular attention should be given are set forth below in this section.

§ 9-58.202 Rental rates.

Third party equipment shall be rented on the basis of competitive bids, rental rates, transportation costs, and other factors being considered. The rental specifications shall be based on the circumstances of a particular case, including the length of rental period, the availability of equipment in certain localities, and the work requirements.

§ 9-58.203 Insurance.

The provisions of AECPR 9-58.105(a) also apply to the rental of construction equipment from a third party. However, if the Contracting Officer determines that the rental rates are not to include the cost of insurance or self-insurance covering loss of or damage to the equipment, Articles III(d) and VII(a) of the rental agreement shall be amended as indicated in the applicable notes following these articles in AECPR 9-16.5002-13, Outline of agreement for rental of third party-owned construction equipment.

§ 9-58.204 Option to purchase equipment.

When accrued rentals on a particular item of equipment will likely approximate the appraised value of equipment and a decision has been made not to purchase in accordance with § 9-58.002(b), consideration shall be given to including in the rental agreement an option to purchase the equipment.

PART 9-16—PROCUREMENT FORMS

1. The table of contents for Part 9-16 is revised by adding the following items:

- 9-16.5002-10 Outline of a change order for fixed-price construction contracts.
- 9-16.5002-11 Outline of a supplemental agreement for fixed-price construction contracts.
- 9-16.5002-12 Outline of agreement for rental of contractor-owned construction equipment.
- 9-16.5002-13 Outline of agreement for rental of third party-owned construction equipment.
- 9-16.5002-14 Outline of inspection report of equipment.

2. The following sections are added:

§ 9-16.5002-12 Outline of agreement for rental of contractor-owned construction equipment.

NOTE: This form of agreement is for use where AEC rents construction equipment from a prime cost-type construction contractor, and is designed for use as an appendix to a prime cost-type construction contract.

Attached to and made a part of Contract No. \_\_\_\_\_

Contractor: \_\_\_\_\_  
The following provisions shall govern the use and rental of the contractor's construction plant and equipment (hereinafter called the "equipment") under the contract:

1. *Equipment rented.* The contractor agrees to furnish for his own use in the performance of the contract the equipment

itemized in Schedule 1 (attached to and made part of this agreement). Each item of the equipment shall be clearly marked with the identification number assigned to it on Schedule 1. The contractor and the Commission may from time to time amend Schedule 1 by deleting items or adding items.

2. *Payments.* As provided in the article of the contract entitled "Allowable Costs and Fixed Fee", the allowable costs of the performance of the contract shall include:

(a) *Rental.* Rental of equipment, for rental periods determined in accordance with paragraph 4 and at the rates set forth in Schedule 1 applied in accordance with paragraph 3.

(b) *Transportation.* Transportation of equipment in accordance with paragraph 5.

(c) *Repair.* Maintenance, repair, and replacement of equipment to the extent provided in paragraphs 6 and 7.

Payment shall be made in accordance with procedures set forth in the article of the contract entitled "Payments."

3. *Application of rates.* The rates set forth in Schedule 1 shall be applied in accordance with the following rules:

(a) *Basis of rates.* Rates are based upon one shift of 8 hours per day, 40 hours per week, or 176 hours per month (of 30 consecutive days).

(b) *Apportionment of rates.* The monthly rate and its pro rata shall apply to all rental periods of one month or more. The weekly rate and its pro rata shall apply to all rental periods of one week or more up to one month. The daily rate and its pro rata shall apply to all rental periods up to one week.

(c) *Overtime.* If the equipment is rented by the day, the rate for overtime is one-sixteenth ( $\frac{1}{16}$ ) of the daily rate for each hour of use in any day in excess of 8 hours; if it is rented by the week, the rate for overtime is one-eighth ( $\frac{1}{8}$ ) of the weekly rate for each hour of use in any week in excess of 40 hours; and if it is rented by the month, the overtime rate is one-third hundred and fifty-second ( $\frac{1}{52}$ ) of the monthly rate for each hour of use in excess of 176 hours in any one 30 consecutive day period.

(d) *Insurance.* Rental rates include the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods, as indicated in Schedule 1 and copy of policy attached. The contractor agrees to maintain this insurance coverage for loss of or damage to the equipment during the entire term of this agreement.

Note: When rental rates do not include the cost of insurance or self-insurance, substitute the following paragraph:

"Rental rates do not include any factor representing the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods."

4. *Rental period.* The rental period for which rental is payable for an item of equipment shall consist of a base period, beginning upon the date stipulated in a written notice from the Contracting Officer to the contractor that the Commission has accepted the item of equipment at the job site, and ending upon the date stipulated in a written notice from the Contracting Officer to the contractor that use of the item of equipment is terminated, subject to the following additions, deductions, and conditions:

(a) *In-transit time.* There shall be added to the base period (1) the actual in-transit time of inbound transportation to the point of shipment to the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment subsequently accepted by the Commission, and (2) the actual in-transit time of outbound return transportation from the job site, to the original point of inbound shipment, or other destination at equal or less

distance from the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment whose use has been terminated by the Commission.

(b) *Delay due to repairs.* (1) The time required for repair of equipment shall be deducted from the base period if such repair is necessitated by wilful misconduct or lack of good faith on the part of the contractor's managerial personnel,\* or made necessary by defects not reasonably ascertainable on initial inspection by the Commission.

(2) If an item of equipment has been accepted by the Commission, the subsequent withdrawal by the contractor of such item from the work for necessary repairs (due to causes other than those mentioned in the preceding paragraph) shall not interrupt the running of the base period unless the Contracting Officer finds that the contractor has not exercised due diligence in effecting the repairs or in returning the item to use, and in such event the time which the Contracting Officer finds to have been excessive shall be deducted from the base period.

(c) *Time for repairs on termination.* In the event the Commission in accordance with paragraph 6(c) elects to effect repair or replacement of an item of equipment prior to scheduled return shipment, the time required for such repair or replacement shall be added to the base period.

(d) *Trial period.* If initial inspection by the Commission discloses that the condition of an item of equipment is doubtful, it will not be accepted by the Commission without a trial period of operation to prove such item upon terms and conditions agreed upon by the contractor and the Commission. If the equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the contractor.

(e) *Rental limitation.* When the aggregate of rental paid for an item of equipment equals 75 percent of its appraised value, as agreed upon by the contractor and the Contracting Officer at or prior to the time of acceptance by the Commission and set forth in the initial inspection report, the rental period shall cease as to such item for purposes of rental payment. Such item shall thereafter remain available for use under the contract without further rental payments, but otherwise in accordance with the terms and conditions of this agreement, until the contractor receives written notice from the Contracting Officer that use of the item is terminated. The limitation of rental to 75 percent of the agreed value shall apply to the total of all rental due under this paragraph 4. A failure to agree as to the value of an item of equipment shall be deemed to be a dispute within the meaning of the article of the contract entitled "Disputes."

5. *Transportation.* Inbound transportation of equipment, f.o.b. cars from the original point of shipment to the job site, and outbound return transportation of equipment f.o.b. cars to the original point of shipment or to another destination selected by the contractor at equal or less distance from the job site, shall be at the expense of the Government, subject to the following conditions:

(a) *Limitation on return transportation.* The Government shall not bear any expense for outbound return transportation in excess of the amount paid for inbound transportation to the job site, except additional amounts representing or equivalent to increases in freight rates applicable to the route to the original point of shipment.

(b) *Limitation on long distance transportation.* Transportation over a distance in

excess of 500 miles shall be subject to the approval of the Contracting Officer.

(c) *Transportation by other than common carrier.* The expense borne by the Government hereunder for transportation by a method other than common carrier shall be the actual expense of such transportation, as shown by evidence satisfactory to the Contracting Officer, but shall in no case exceed the amount which would be paid for such transportation by a suitable and available common carrier unless otherwise authorized by the Contracting Officer.

(d) *Loading and unloading.* Only such costs of loading and unloading equipment as are incurred at the job site shall be borne by the Government.

(e) *Equipment not in required condition.* The Government shall not bear the expense of transportation of any item of equipment which arrives at the job in a condition which does not fulfill the requirements of paragraph 6(a) and which is not placed in the condition required under paragraph 6(a) by the contractor at the contractor's expense within a reasonable time.

6. *Condition of equipment—(a) Condition on delivery.* The equipment shall, on delivery at the job site, be in good operating condition to render efficient, economical, and continuous service, and shall be equipped with necessary and required safety devices according to I.C.C. regulations and other applicable Federal and State laws. Each item of the equipment shall have been registered by the contractor at the contractor's own expense with all Federal, State, and local authorities requiring registration, and registration plates or other evidence of registration shall be displayed in accordance with the requirements of the registering authority; the cost of subsequent registration shall also be borne by the contractor. If any item of equipment on arrival at the job site is not in the condition required by this paragraph, its use on the work shall not be permitted unless and until it is placed in the condition required by this paragraph at the contractor's expense and within a reasonable time. If any such item is not placed in the condition required by this paragraph within a reasonable time, the Contracting Officer may reject the item and require its removal from the job site, and in that event the Government shall not be liable for rental, transportation, or any other expense in connection with such item.

(b) *Condition on the job.* Equipment accepted by the Commission shall be maintained by the contractor in the condition required for its operation until use of the equipment is terminated by the Contracting Officer. Maintenance and repair required to keep accepted equipment in such condition during such time, and replacement (at the agreed value set forth in the initial inspection report, less depreciation) of accepted equipment lost or destroyed during such time, shall be at the expense of the Government unless such maintenance, repair, or replacement is made necessary by loss or damage covered by any policy of insurance (or self-insurance), or caused by wilful misconduct or lack of good faith on the part of the contractor's managerial personnel, or is made necessary by defects not reasonably ascertainable on initial inspection by the Commission.

(c) *Condition on termination.* Upon termination by the Commission of the use of any item of equipment, the item shall be returned by the Commission to the contractor at the job site in as good condition as when received by the Commission (as shown by the initial inspection report) less normal wear and tear, except for any loss or damage which is due to wilful misconduct or lack of good faith on the part of the contractor's managerial personnel, or defects not reasonably ascertainable on initial inspection by the Commission, or which is covered by any policy of insurance (or self-

\*The term "managerial personnel" as used in this agreement is as defined in the article of the contract entitled "Property."



maintain this insurance coverage for loss of or damage to the equipment during the entire term of this agreement.

**NOTE:** When rental rates do not include the cost of insurance or self-insurance, substitute the following paragraph:

"Rental rates do not include any factor representing the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods."

**Article IV—Rental period.** The rental period for which rental is payable for an item of equipment shall consist of a base period, beginning upon the date stipulated in a written notice from the lessee to the lessor that the lessee has accepted the item of equipment at the job site, and ending upon the date stipulated in a written notice from the lessee to the lessor that use of the item of equipment is terminated, subject to the following additions, deductions, and conditions.

(a) *In-transit time.* There shall be added to the base period (1) the actual in-transit time of inbound transportation from the point of shipment to the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment subsequently accepted by the lessee, and (2) the actual in-transit time of outbound return transportation from the job site to the original point of inbound shipment, or other destination at equal or less distance from the job site, not exceeding the time required for such transportation by commercial carrier via the most expeditious routing available, of any item of equipment whose use has been terminated by the lessee.

(b) *Trial period.* If initial inspection by the lessee discloses that the condition of an item of equipment is doubtful, it will not be accepted by the lessee without a trial period of operation to prove such item upon terms and conditions agreed upon by the lessor and the lessee and approved by the Commission. If the equipment is found unacceptable in the trial period, no rental, transportation, or other expenses will be due the lessor.

(c) *Delay due to repairs.* (1) The time required for repair of equipment shall be deducted from the base period if such repair is necessitated by wilful misconduct or lack of good faith on the part of the lessor, if an individual, or the partners or corporate officers of the lessor, or a supervising representative of the lessor, or made necessary by defects not reasonably ascertainable on initial inspection by the lessee.

(2) If arrangements are made for the lessor to repair an item of equipment, the withdrawal of such item from work for necessary repairs (due to causes other than those mentioned in the preceding paragraph) subsequent to acceptance of the item by the lessee shall not interrupt the running of the base period unless the lessee or the Commission finds that due diligence in effecting the repairs or in returning the item to use has not been exercised. In the latter event the time found to have been excessive shall be deducted from the base period.

(d) *Time for repairs on termination.* In the event the lessee in accordance with the article entitled "Condition of Equipment" elects to effect repair or replacement of an item of equipment prior to scheduled return shipment of the item, the time required for such repair or replacement shall be added to the base period.

**Article V—Transportation.** Inbound transportation of equipment, f.o.b. cars from the original point of shipment to the job site, and outbound return transportation of equipment f.o.b. cars to the original point of shipment or to another destination selected by the lessor at equal or less distance from the job site, shall be at the expense of the lessee, subject to the following conditions:

(a) *Limitation on return transportation.* The lessee shall not bear any expense for outbound return transportation in excess of the amount paid for inbound transportation to the job site, except additional amounts approved by the Commission representing or equivalent to increases in freight rates applicable to the route to the original point of shipment.

(b) *Limitation on long distance transportation.* Transportation over a distance in excess of 500 miles shall be subject to the approval of the lessee and the Commission.

(c) *Transportation by other than common carrier.* The expense borne by the lessee hereunder for transportation by a method other than common carrier shall be the actual expense of such transportation, as shown by evidence satisfactory to the lessee and the Commission, but shall in no case exceed the amount which would be paid for such transportation by a suitable and available common carrier unless otherwise authorized by the lessee and the Commission.

(d) *Loading and unloading.* Only such costs of loading and unloading equipment as are incurred at the job site shall be borne by the lessee.

(e) *Equipment not in required condition.* The lessee shall not bear the expense of transportation of any item of equipment which arrives at the job site in a condition which does not fulfill the requirements of the article entitled "Condition of Equipment" and which is not placed in the condition required under that article by the lessor at the lessor's expense within a reasonable time.

**Article VI—Condition of equipment—(a) Condition on delivery.** The equipment shall, on delivery at the job site, be in good operating condition to render efficient, economical and continuous service, and shall be equipped with necessary and required safety devices according to I.C.C. regulations and other applicable Federal and State laws. Each item of the equipment shall have been registered by the lessor at the lessor's own expense with all Federal, State and local authorities requiring registration, and registration plates or other evidence of registration shall be displayed in accordance with the requirements of the registering authority. The cost of subsequent registration shall also be borne by the lessor. If any item of equipment on arrival at the job site is not in the condition required by this paragraph, its use on the work shall not be permitted unless and until it is placed in the condition required by this paragraph at the lessor's expense and within a reasonable time. If any such item is not placed in the condition required by this paragraph within a reasonable time the lessee may reject the item and require its removal from the job site, and in that event the lessee shall not be liable for rental, transportation, or any other expense in connection with such item.

(b) *Condition on the job.* Maintenance and repair necessary to keep accepted equipment in the condition required for its operation until use of the equipment is terminated by the lessee, and replacement (at the value agreed upon by the lessor and the lessee with the approval of the Commission at or prior to the time of acceptance by the lessee and set forth in the initial inspection report, less depreciation) of accepted equipment lost or destroyed during such time, shall be at the expense of the lessee. Except, however, such maintenance, repair, or replacement will not be at the expense of the lessee if it is made necessary by loss or damage covered by any policy of insurance (or self-insurance), or caused by wilful misconduct or lack of good faith on the part of the lessor, if an individual, or the partners or corporate officers of the lessor, or a supervising representative of the lessor, or is made

necessary by defects not reasonably ascertainable on initial inspection by the lessee.

(c) *Condition on termination.* Upon termination by the lessee of the use of any item of equipment, the item shall be returned by the lessee to the lessor at the job site in as good condition as when received by the lessee (as shown by the initial inspection report), less normal wear and tear, except for any loss or damage which is due to wilful misconduct or lack of good faith on the part of the lessor, if an individual, or the partners or corporate officers of the lessor, or a supervising representative of the lessor, or defects not reasonably ascertainable on initial inspection by the lessee, or which is covered by any policy of insurance (or self-insurance). If the inspection report to be made immediately prior to the scheduled return shipment of an item of equipment discloses the necessity for repairs or replacements the cost of which is the responsibility of the lessee under this paragraph, the lessee may, at its election, either (1) effect such repairs or replacements, or (2) with the approval of the Commission, allow the lessor the agreed estimated reasonable cost of such repairs (or the agreed value less depreciation, if replacement is required), and a sum in lieu of rental for the time estimated by the lessee to be necessary for such repairs.

(d) *Inspection.* For the purpose of establishing the condition of the equipment, each item of equipment shall be inspected, tested, and inventoried by representatives of the lessee and, at the lessor's option, together with representatives of the lessor (and of the Commission, if the Commission so elects), prior to its acceptance by the lessee and immediately prior to scheduled return shipment. The results of such inspections and tests, and the inventories compiled, shall be incorporated in reports submitted to the lessor and to the lessee (and to the Commission if the Commission so requires). For any item of equipment which the lessor has failed to inspect, test, and inventory, or has failed to report as provided herein, the lessor agrees that the report submitted hereunder by a representative of the lessee shall be conclusive evidence of the condition as of the date of inspection.

(e) *Excessive repairs.* The Commission may require the lessee to deduct from payments otherwise due the lessor any amounts previously allowed the lessor under this agreement for repairs made at the lessee's expense which the Commission finds to have been in excess of the requirements of this agreement.

**Article VII—Protection of equipment—Steps to be taken in event of loss.** (a) The lessee shall take all reasonable and necessary precautions to safeguard and protect the equipment. Any loss of or damage to the equipment will be at the lessor's risk to the extent that such loss or damage is required to be covered by insurance under article III (d) of this agreement.

**NOTE:** When article III (d) of the agreement provides that rental rates do not include any factor representing the cost of insurance or self-insurance covering loss of or damage to the equipment during rental periods, the following paragraph (a) shall be used:

"(a) The lessee shall take all reasonable and necessary precautions to safeguard and protect the equipment. Any loss of or damage to the equipment will be at the lessor's risk to the extent that such loss or damage is covered by any policy of insurance (or self-insurance)."

(b) Upon the happening of any loss or damage which is at the risk of the lessee under this agreement, the lessee shall immediately notify the lessor of the occasion and extent thereof, and the lessor shall thereupon, at the lessee's request effect an assignment and subrogation in favor of the lessee or the Government of all the lessor's rights and claims (except those against the

lessee or the Government) arising out of any such loss or damage, shall, if required by the lessee or the Government, authorize representatives of the lessee or the Government to settle or prosecute to final judgment any such claims, and shall furnish to the lessee or the Government on request all reasonable assistance in obtaining recovery.

Article VIII—Liquidation of indebtedness. The lessor warrants full and complete title and right to possession of all the equipment, subject only to those liens, encumbrances or claims to title or possession securing the indebtedness detailed on Schedule 1, Part 2. The lessor agrees to apply such portion of the rental payable hereunder as may be necessary for the prompt discharge of such indebtedness. If at any time any person holding a lien, encumbrance, or claim against any item of the equipment shall submit to the lessee evidence that the lessor is not discharging the indebtedness secured thereby in accordance with the terms under which the indebtedness is payable or dischargeable, the lessee shall have the right upon three (3) days' written notice to the lessor to impound such part of the unpaid rental hereunder as the lessee, with the approval of the Commission, deems necessary until the rights of the lessor and any such person are determined and all just and proper claims of such person are satisfied: Provided, That nothing contained in this paragraph shall be construed to require the lessor to pay to such person any sum not required to be paid by the terms under which the indebtedness was incurred or to pay any sum prior to the time its becomes due.

Article IX—Taxes. Unless otherwise directed by the Commission, the lessor shall at the lessor's own expense pay and discharge any and all taxes levied upon any item of equipment.

Article X—Examination of records. Insert article in accordance with AECPR 9-7.5004-10.

Article XI—Covenant against contingent fees. Insert article in accordance with AECPR 9-7.5004-2.

Article XII—Renegotiation. Insert contract article set forth in AECPR 9-7.5004-20 if the agreement is subject to the Renegotiation Act of 1951, as amended.

Article XIII—Definition. As used herein the term "Commission" means the United States Atomic Energy Commission or any duly authorized representative thereof, including the Contracting Officer under the construction contract.

In witness whereof, the lessor and the lessee have executed this agreement as of the day and year above written.

Lessor
By (Title)
Lessee
By (Title)

SCHEDULE 1

PART 1—ITEMS AND RENTAL RATES

Item description (equipment No.; type of equipment; serial No.; manufacturer; year of model; original point of shipment; etc.)

Item No.
Description of any insurance coverage for loss or damage to equipment\*
Item rental rates

\*Attach certified copy of insurance policy.

(Continue, if necessary, on reverse side or on separate sheets.)

SCHEDULE 1

PART 2—LIENS, ENCUMBRANCES AND CLAIMS

The following is a complete and correct statement of the amount or amounts of any and all indebtedness secured by liens or other encumbrances of any nature, legal or equitable, which are held by any person, firm or corporation against the equipment, items numbered 1 through

Lessor
By (Title)

Name and address of present creditor

Table with columns: Item No., Present unpaid balance, Amounts and dates of future payments

(Continue, if necessary, on reverse side or on separate sheets.)

§ 9-16.5002-14 Outline of inspection report of equipment.

(a) Inspection report for cranes, draglines, etc.

Project
Date
Location
Code No. Lic. No.
Description

(Attachments listed on reverse side.)

Date and Time of Arrival
Via
Owner's Name and Address

Motor Number
Serial Year Manufactured
Other Pertinent Numbers
Size Type
No. of Cylinders Horsepower
Type Power Lifting Cap.
Manufacturer
Address
Shipping Weight
Cost New
Present Valuation Est.\*
Estimated Cost To Place in Good Operating Condition\*\*
Crawler Treads
Boom Hoist Shaft and Bearings
Adjustments Remaining
Main Drive Chain or Gear
Crawler Tread Pins
Main Driving Pinion
Crawler Frame
Main Clutch
Drive Sprockets
General Condition of Motor
Hoist Drum Gear
Cab Lock Holds
Boom Hoist Brake Facing
Boom Hoist Brake Holds
Boom Hoist Brake Lining
Shows Sign of Oil Consumption
Boom Hoist Clutch
Hoist Brake Holds
Remarks

At time of inspection, equipment was in good operating condition. In our opinion, the valuation of \$ placed upon this equipment is fair and rea-

\*Attach an explanation of the valuation estimate.

\*\*Attach an explanation of the major and minor repairs needed.

sonable. We mutually agree upon a valuation of \$.

(Signed) (Inspector)

(Signed) (Inspector)

(b) Give complete description of all attachments, spare parts, etc.

CLAMSHELL BUCKET

Make Model
Serial Size Type
Number of Teeth Number of Sheaves
Condition of Sheaves
Condition of Sheave Shafts Upper
Condition of Sheaves Lower
Condition of Sheave Shafts Lower
Condition of Center Shaft
Condition of Center Shaft Castings
Condition of Arm Pins
Condition of Teeth
Condition of Bucket General

DRAG BUCKET

Condition of Teeth
Condition of Chain
Condition of Sheave
General Condition
Fair Lead
Fair Lead Sheaves

SHOVEL ATTACHMENTS

Condition Boom Length
Dipper Stick
Crowd Gears
Sheaves
Buckets
Bucket Latch
Number Teeth
Condition Teeth
Pins and Bushings

BACK HOE

Condition Boom Length
Dipper Stick
Crowd Gears
Sheaves
Buckets
Bucket Latch
Number of Teeth
Condition Teeth
Pins and Bushings

Miscellaneous attachments such as—Hydraulic Control System, Air System, Light Plants, Starting Motor. Give full description, numbers, condition tools, etc.

Unit transferred to Date
General condition

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201, sec. 205, 63 Stat. 390; 40 U.S.C. 436)

Effective date: These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md., this 25th day of February 1964.

For the U.S. Atomic Energy Commission.

JOHN V. VINCIGUERRA, Director, Division of Contracts.

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3339]

#### OREGON AND WYOMING

### Correcting Public Land Order No. 3286 of December 3, 1963 (Withdrawing National Forest Lands for Use of the Forest Service) and Public Land Order No. 3268 of November 20, 1963 (Revoking Certain Stock Driveway Withdrawals)

(OREGON 013867)

Public Land Order No. 3286 of December 3, 1963, appearing as FEDERAL REGISTER Document 63-12682 in the issue of December 7, 1963, at page 13308 is hereby corrected as follows:

The description "T. 33 S., R. 8 W.," (2d line—Eight Dollar Mountain Television Translator Site) is corrected to read "T. 38 S., R. 8 W.,".

(WYOMING 0200623)

Public Land Order No. 3268 of November 20, 1963, appearing as FEDERAL REGISTER Document 63-12310 in the issue of November 27, 1963, at pages 12621-2 is hereby corrected as follows:

The description in T. 49 N., R. 103 W., sec. 24 "and S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ " is corrected to read "S $\frac{1}{2}$ NE $\frac{1}{4}$ , and NE $\frac{1}{4}$ NW $\frac{1}{4}$ ,".

JOHN A. CARVER, JR.,  
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1964.

[F.R. Doc. 64-2146; Filed, Mar. 4, 1964; 8:49 a.m.]

[Public Land Order 3340]

#### ALASKA

### Withdrawing Public Lands for Use of the Bureau of Indian Affairs for School Purposes

By virtue of the authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, and reserved for use of the Bureau of Indian Affairs, Department of the Interior, for school purposes, as indicated:

(ANCHORAGE 059873)

NIKOLSKI

U.S. Survey 3890.  
Containing 3.10 acres.

(ANCHORAGE 059874)

PORT GRAHAM

U.S. Survey 3889.  
Lot 1.  
Containing 1.55 acres.

(ANCHORAGE 059878)

CHIGNIK LAKE

U.S. Survey 3888.  
Lot 1.  
Containing 2.94 acres.

(ANCHORAGE 059887)

ENGLISH BAY

U.S. Survey 3883.  
Containing 3.54 acres.

The areas described aggregate 11.13 acres.

JOHN A. CARVER, JR.,  
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1964.

[F.R. Doc. 64-2147; Filed, Mar. 4, 1964; 8:49 a.m.]

[Public Land Order 3341]

[Fairbanks 031715]

#### ALASKA

### Revoking the Executive Order of July 27, 1898, Which Withdrew Lands for Townsite Purposes

By virtue of the authority vested in the President by section 2380, Revised Statutes (43 U.S.C. 711), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive Order of July 27, 1898, which withdrew for townsite purposes a tract described by metes and bounds, containing about 1,280 acres, lying along the Yukon River about four miles below Rampart, is hereby revoked.

2. The lands are within the area which has been recommended by the Geological Survey for classification as a proposed power site (Rampart Dam Project). Beginning at 10:00 a.m. on April 4, 1964, they shall become subject to application and petition under the public land laws, subject to the regulations in 43 CFR 295.11a. At that time they shall be open to location under the mining laws, subject to the provisions of the Act of August 11, 1955 (69 Stat. 681; 30 U.S.C. 621).

3. Applications from the State of Alaska under the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), shall be suspended in accordance with the regulations in 43 CFR 295.11a. In the event the lands are eliminated from the temporary segregation, applications from the State under the Acts of July 28, 1956, and July 7, 1958, supra, shall be given the preference provided by those Acts and the regulations in 43 CFR part 76.

JOHN A. CARVER, JR.,  
*Assistant Secretary of the Interior.*

FEBRUARY 28, 1964.

[F.R. Doc. 64-2148; Filed, Mar. 4, 1964; 8:49 a.m.]

## Title 50—WILDLIFE AND FISHERIES

### Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

#### PART 33—SPORT FISHING

#### Mingo National Wildlife Refuge, Missouri

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### MISSOURI

#### MINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Mingo National Wildlife Refuge, Missouri, is permitted only on the area designated by signs as open to fishing. This open area, comprising 4,300 acres or 99 percent of the total water area of the refuge, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minnesota, 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Crappies, black bass (smallmouth, largemouth, spotted), buffalo, shad, and other minor species as permitted by State regulations.

(b) Open season: March 15, 1964, through September 30, 1964. Fishing is permitted from 5:30 a.m. to 7:30 p.m. daily.

(c) Daily creel limits: Crappies—30; black bass—10; buffalo and shad—no limit; creel limits for other minor species as prescribed by State regulations.

(d) Methods of fishing:

(1) Pole and line, trotline, throwline, limb line, bank line, jug line, artificial lures, hooks and bait are permitted; game fish may not be used for bait. No more than three unlabeled poles or more than thirty-three (33) hooks in the aggregate, may be used by any person at one time. Hooks may not be left unattended for more than 24 hours while in use. Hooks attached to trotlines shall be staged not less than 2 feet apart. Trotlines may not be attached together to extend the number of hooks.

(2) Boats and other floating craft are prohibited.

(e) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33.

(2) A Federal permit is not required to enter the public fishing area.

(3) The provisions of this special regulation are effective to October 1, 1964.

URBAN C. NELSON,  
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 26, 1964.

[F.R. Doc. 64-2124; Filed, Mar. 4, 1964; 8:47 a.m.]

### PART 33—SPORT FISHING

#### Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### MONTANA

#### CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Sport fishing on the Charles M. Russell National Wildlife Range, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising the Missouri and Musselshell Rivers and Fort Peck Reservoir, is delineated on maps available at the refuge headquarters, P.O. Box 110, Lewistown, Montana, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast

Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

The wildlife range is open to sport fishing the year round.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, Part 33, and are effective to May 22, 1965.

PAUL T. QUICK,  
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 25, 1964.

[F.R. Doc. 64-2125; Filed, Mar. 4, 1964; 8:47 a.m.]

### PART 33—SPORT FISHING

#### Red Rock Lakes National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

#### MONTANA

#### RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open

area, comprising 25 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oregon, 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge shall be as follows:

May 24 through November 30, 1964, Culver Pond (Widow's Pool), MacDonald Pond, and Shambow Pond.

Closed entire year: Upper Red Rock Lake, Lower Red Rock Lake, Swan Lake, Red Rock River between Upper and Lower Red Rock Lakes, and all waters within 100 yards of the above listed areas. Red Rock Creek above Upper Red Rock Lake within the refuge.

June 28 through November 30, 1964, those waters on the refuge not designated in 1 or 2 above.

(2) Boats without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to December 1, 1964.

PAUL T. QUICK,  
Regional Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 24, 1964.

[F.R. Doc. 64-2126; Filed, Mar. 4, 1964; 8:47 a.m.]

# Proposed Rule Making

## FEDERAL AVIATION AGENCY

[ 14 CFR Part 4b ]

[Notice 64-12; Docket No. 4025]

### PREVENTION OF CRASH FIRES IN TRANSPORT AIRPLANES

#### Notice of Proposed Rule Making

The Federal Aviation Agency is considering an amendment of Part 4b of the Civil Air Regulations relating to the prevention of fire following the crash of a transport category airplane. Such an amendment is an extension of past efforts to reduce the loss of life from fire in otherwise survivable accidents. The amendment will affect manufacturers and operators of transport category airplanes.

This Advance Notice of Proposed Rule Making is being issued pursuant to the Agency's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the Agency and reasonable inquiry outside the Agency do not yield a sufficient basis to identify and select tentative or alternate courses of action upon which a rule making procedure might be undertaken, or when it would otherwise be helpful to invite early public participation in the identification and selection of such tentative or alternate courses of action. The subject matter has been found to involve the situation contemplated by this policy.

Interested persons are invited to participate in this proceeding by submitting such written material as they may desire. Communications should identify the notice or docket number, and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. Communications should be received on or before June 5, 1964, in order to insure proper consideration. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons. If it is determined to proceed further, after consideration in light of available data and comments received in response to this notice, a subsequent notice of proposed rule making will be issued.

During the 1956 Annual Airworthiness Review, a proposal was made to require structural protection of fuselage fuel tanks in the event of a crash. A rule stemming from this proposal, to require tank protection under the loading conditions specified in § 4b.260, was adopted in § 4b.420. During the 1958 Annual Airworthiness Review, a proposal was made to require an ignition suppression system for transport category airplanes. Objections were raised that the necessary equipment was not developed and available, and that, even if available, the

malfunction of ignition suppression equipment would introduce new and critical hazards. No action was taken, therefore, relative to this proposal.

Since 1958, experimental work has continued on ignition suppression and fuel containment. The National Aeronautics and Space Administration has recommended procedures for the installation and use of suppression systems aimed at making inadvertent operation of such systems improbable. Isolating elements of the system can prevent complete power loss if inadvertent operation did occur. NASA also devised a system which can be disarmed, and which will permit power of affected engines to be restored after inadvertent operation of the suppression system. The Agency itself has recently contracted with several organizations for experimental work dealing, for the most part, with designs for fuel containment.

The Agency is aware, however, that fuel containment and ignition suppression are not the only possible techniques for preventing crash fires. Other alternatives have been suggested, including: fuel jelling; the use of special fuels that burn in the engine only; and methods to separate fuel tanks from the airplane during a crash.

The Agency solicits the views of all interested persons on the practicability and availability of these various techniques (fuel containment, ignition suppression, the alternatives previously mentioned, or any other technique). These views should be supported, where possible, by reference to pertinent evidence such as test data, reports, or other information, dealing with the technique discussed and with its merits relative to other known techniques.

With respect to fuel containment and ignition suppression, the Agency has prepared tentative design criteria (subject to revision as current experimental work is completed) that may be useful in defining the scope of these techniques for those desiring to comment, as follows:

#### 1. Fuel Containment; Tentative Design Criteria:

(a) Fuel cell rupture resistance to a longitudinal acceleration of 35g and a vertical acceleration of 4.5g, with respect to the airplane axes, applied simultaneously through the center of the cell;

(b) Automatic actuation of a shutoff system to prevent fuel loss from a cell upon separation from any connecting line during any airplane deformation caused by a crash landing;

(c) Means to prevent inadvertent actuation of the shutoff system; and

(d) Means to determine on the ground whether the shutoff system has operated.

#### 2. Ignition Suppression; Tentative Design Criteria.

(a) Automatic actuation of the inerting system during any crash landing which might result in sufficient damage to produce fuel spillage;

(b) Means or design to minimize inadvertent operation of the inerting system;

(c) Design or arrangement of the inerting system so that failure or malfunction of the system will not affect more than one engine or prevent safe operation of the airplane;

(d) Means to restore power if an engine is stopped inadvertently by the inerting system; and

(e) Means for checking system functioning.

Issued in Washington, D.C., on February 27, 1964.

EDWARD C. HODSON,  
Acting Director,  
Flight Standards Service.

[F.R. Doc. 64-2123; Filed, Mar. 4, 1964;  
8:47 a.m.]

[ 14 CFR Part 42 ]

[Notice 64-13; Docket No. 4028]

### GROUND REST PERIODS AND DUTY TIME LIMITATIONS FOR FLIGHT CREWS OF THREE OR MORE PILOTS AND ADDITIONAL AIRMEN, AS RE- QUIRED

#### Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Part 42 of the Civil Air Regulations to prescribe specific ground rest periods and duty time limitations for flight crews of three or more pilots and additional airmen, as required, engaged in overseas and international operations conducted by certificated route carriers when such operations are conducted under Part 42. Such rules will be of an interim nature pending an overall revision of the flight time limitation sections of Parts 40, 41, and 42.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the notice or docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before May 7, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The amendment to Part 42 being adopted concurrently with the issuance of this notice, as CAR Amendment 42-4 imposes additional limitations and requirements with respect to ground rest

periods and duty time for flight crews of three or more pilots and additional airmen, as required. These requirements, however, apply only to carriers certificated under Part 42.

During the processing of this amendment, and as a part of the Agency's continuing program of review and reappraisal of its rule making practices, the Agency reexamined its position in this matter and it now believes that flight time limitations and ground rest requirements should also be applicable to scheduled operators conducting off-route charter flights and special services.

The same reasoning which necessitated the adoption of the present rule for supplemental carriers applies equally to charter flights or other special services conducted by scheduled certificated route carriers when operating off route.

Therefore, in order to preclude operations by these carriers which could result in flight crewmembers performing their duties in an overly fatigued condition, it is proposed to set a limit on the length of time which such flight crewmembers may be on continuous duty, and to establish minimum requirements pertaining to the rest periods necessary for such flight crewmembers while away from their home base.

The Agency, in an advance notice of proposed rule making issued on August 27, 1963 (Notice 63-34 [28 F.R. 9674]), stated its intention to completely review all of the flight time limitation rules applicable to all air carriers and large airplane commercial operations. In view of the scope of such review and its significance and effect on air carrier scheduling, it is not anticipated that any regulatory action will be completed in the very near future. It is evident, however, that the prescription of the rule contained in this proposal cannot be delayed, and must be established in the interim prior to the overall review of all flight time rules and necessary regulatory action. Therefore, this proposal is limited in its scope to those aspects of rest periods and duty time limitations that the Agency believes are immediately necessary, and will provide equivalent levels of safety in identical type operations.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1424).

In consideration of the foregoing, it is proposed to amend paragraph (c)(1) of the amendment to § 42.322 of the Civil Air Regulations (Amendment 42-4), adopted concurrent with this notice, by changing the word "certificated" appearing in the first sentence of that subparagraph to read "operating".

As proposed, § 42.322(c)(1) would read as follows:

- (1) An air carrier or commercial operator operating under this part shall not schedule any flight crewmember to be on continuous duty in excess of 30 hours. Such a flight crewmember is considered on continuous duty from the time he reports for duty until the time he is released from duty for a period of rest of 10 or more consecutive hours on the ground.

No change is proposed to paragraph (c)(2) or (3) of the amended § 42.322.

Issued in Washington, D.C., on February 28, 1964.

G. S. MOORE,  
Director,  
Flight Standards Service.

[F.R. Doc. 64-2153; Filed, Mar. 4, 1964; 8:49 a.m.]

[ 14 CFR Part 71 [New] ]

[Airspace Docket No. 63-WE-125]

FEDERAL AIRWAY SEGMENT

Notice of Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 86 is designated in part from Whitehall, Mont., to Bozeman, Mont. The FAA is considering designating an additional segment to V-86 from Sheridan, Wyo., direct to Rapid City, S. Dak. This proposed airway would provide route continuity for air traffic operating between Rapid City and terminals in the northwest part of the United States. The proposed alignment of this airway segment would provide for optimum utilization of en route altitudes by air traffic control. A flight check of this proposed airway segment by the FAA indicates that a minimum en route altitude of 7,500 feet MSL can be established between Sheridan and the intersection of the Sheridan 105° and the Crazy Woman, Wyo., 047° True radials (Gillette, Wyo., Intersection to be established) and a minimum en route altitude of 13,500 feet MSL from Gillette Intersection to Rapid City. Comments received in response to an informal circularization of this proposal by the FAA Western Region were considered in the formulation of the proposed airway segment alignment.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on February 26, 1964.

D. E. BARROW,  
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-2122; Filed, Mar. 4, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[ 14 CFR Parts 207, 399 ]

[Economic Regs. Docket 14148]

CHARTER TRIPS AND SPECIAL SERVICES; STATEMENTS OF GENERAL POLICY

Supplemental Notice of Proposed Rule Making

MARCH 2, 1964.

The Board in 29 F.R. 1476 and by circulation of a Supplement Notice of Proposed Rule Making, EDR-48B and a Notice of Proposed Rule Making PSDR-8, dated January 23, 1964, gave notice that it had under consideration (a) revising Part 207 of the Board's Economic Regulations as set out in the Proposed Rule thereto attached, (b) revising Part 399 of its Policy Statements as set out in the Proposed Rule thereto attached. Interested persons were invited to participate in these rule making proceedings by the submission ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428 on or before February 28, 1964. This date was subsequently extended to March 9, 1964. In addition all interested persons were invited to submit, on or before March 15, 1964, ten (10) copies of written data, views, or arguments in response to the initial communications. The March 15, 1964 date was subsequently extended to March 25, 1964.

Copies of both sets of communications will be available for examination by interested persons in the Docket Section of the Board.

However, because of the significance of the proposed action and the provision for filing responsive comments; and to relieve the carriers of the burden of arranging for inspection and reproduction of the comments on file with the Board, we have determined to provide for service of both sets of such comments. Accordingly, each air carrier filing comments shall serve a copy of both sets thereof on each direct air carrier. Each set of comments filed with the Board shall contain an appropriate certificate

indicating that such service has been made.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,  
Secretary.

[F.R. Doc. 64-2169; Filed, Mar. 4, 1964;  
8:51 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 11, 21 ]

[Docket Nos. 14895, 15233; FCC 64-128;  
Correction]

### AUTHORIZATIONS IN BUSINESS RADIO SERVICE AND DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

#### Proposed Rule Making Regarding Relay of Television Broadcast Signals

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of February 1964;

The Commission has before it for consideration the motion for an extension of time for filing comments in the above-entitled proceedings, filed by the National Association of Microwave Common Carriers, Inc. (NAMCC). NAMCC asserts that it is a new association representing the group most directly involved in Docket No. 15233, and that the extension of time would enable it to file comprehensive comments which would be of material assistance to the Commission. Further, NAMCC alleges that the requested extension of time would have no adverse effects since no further grants are being made in these services, absent the voluntary acceptance of the proposed conditions by the applicants. Accordingly, NAMCC requests that the time for filing comments be extended from February 24, 1964 to April 28, 1964, and that the time for filing reply comments be extended from March 16, 1964 to May 28, 1964. The National Community Television Association, Inc. (NCTA) filed a petition in support of the motion by NAMCC. NCTA states that it will not be practicable to submit the very extensive data which it is preparing by February 24, 1964, particularly in view of the amount of time which counsel for the Association has had to devote to conferences with the Commission concerning proposed legislation affecting CATV systems.

The Commission has previously indicated its concern with obtaining complete and meaningful comments in these proceedings, as well as with receiving such comments at the earliest practicable date. Pending resolution of the important issues here involved, we have, in effect, a "freeze" on the grant of authorizations in these services. For only when an applicant agrees voluntarily to accept the proposed conditions will an authorization be granted. Further, as we have stated, this interim procedure "is not designed nor intended to hold hearings to resolve particular issues arising in the various factual situations since

such issues, in our judgment, should be resolved only when the applicable policy guidelines have been established (i.e., when these rule making proceedings have been concluded)." See footnote 7 of the Commission's Notice in this proceeding. In these circumstances, we believe that the public interest requires us to expeditiously resolve the rule-making proceedings.

Based upon our consideration of all factors, we have therefore determined that the public interest would best be served by extending the date for filing comments to March 25, 1964, and the date for reply comments until April 14, 1964.

Accordingly, it is ordered, That the date for filing comments in the above-entitled proceedings is extended to on or before March 25, 1964, and the date for filing reply comments is extended to on or before April 14, 1964.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2093; Filed, Mar. 4, 1964;  
8:45 a.m.]

[ 47 CFR Part 93 ]

[Docket No. 15345, RM-359; FCC 64-153]

### TAXICAB RADIO

#### Notice of Proposed Rule Making

Amendment of Part 93, Subpart I, Section 93.401, of the Commission's Rules governing the Taxicab Radio Service to provide for the use of radio facilities licensed in this service in connection with the pick-up and delivery of parcels and packages by taxicabs on a basis incidental and secondary to the transportation of passengers.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Our proposal in this proceeding is essentially as follows: To allow taxicabs to use their radio facilities in conjunction with their incidental or secondary activities involving the pick-up and delivery of small items of property.

3. This proposal arises from a petition for rule making which was filed by the National Association of Taxicab Owners, Inc., and the American Taxicab Association on August 27th, 1962 (RM-359).

4. Petitioners have pointed out that on occasion, taxicabs are used to provide a parcel or package pick-up and delivery service; and that this activity is secondary or incidental to that of furnishing passenger transportation service to the public. Examples of the types of property transported are blood, drugs, letters, flowers, baggage, keys and legal documents.

5. On the basis of the information brought to our attention by Petitioners, it appears that a meritorious public service may be rendered by taxicabs in their incidental role as package or parcel

<sup>1</sup> Commissioners Bartley, Ford and Loevinger absent.

transporters and that the use of radio in connection with this service would enhance its efficiency. Accordingly, we propose that our rules be amended to permit such incidental use of taxicab radio facilities. We would point out, however, that prime eligibility within the Taxicab Radio Service will still be predicated exclusively on passenger transportation service; and that those persons whose prime business activities relate to transporting parcels, packages, goods and articles, will not be accommodated within the Taxicab Radio Service. Moreover, in those jurisdictions where the transporting of packages and parcels by taxicabs is proscribed, the instant proposal should not be construed as an endorsement of package and parcel delivery service by taxicabs. Consequently, even though we propose to amend our rules to allow a more efficient rendition of this incidental service that taxicabs provide, their radio facilities may not be used to afford the service if local, city, county, state, or some other laws prohibit taxicabs from engaging in it.

6. The proposed amendment is set forth below and is issued under authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 10, 1964, and reply comments on or before April 27, 1964. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 26, 1964.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

In Part 93, Land Transportation Radio Services, § 93.401(a)(1) of the Taxicab Radio Service Rules is revised to read as follows:

#### § 93.401 Eligibility.

(a) \* \* \*

(1) Persons regularly engaged in furnishing to the public for hire a non-scheduled passenger land transportation service not operated over a regular route or between established terminals. Such service, where permissible under local laws, may also include the occasional transport of small items of property.

[F.R. Doc. 64-2094; Filed, Mar. 4, 1964;  
8:45 a.m.]

<sup>1</sup> Commissioners Bartley and Loevinger absent.

# Notices

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Dept. Circ. 570, 1963 Rev. Supp. No. 25]

### OLYMPIC INSURANCE COMPANY

#### Termination of Authority to Qualify as Surety on Federal Bonds

FEBRUARY 28, 1964.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Olympic Insurance Company, Los Angeles, California, under the provisions of the Act of Congress approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States is hereby terminated as of January 22, 1964, upon the request of Olympic Insurance Company.

Olympic Insurance Company has informed the Treasury that it has no bonds in force in favor of the United States. However, in the event that there are bonds remaining in force issued by this company which do not appear in its records, the following actions should be taken:

1. In order that there may be a coordinated record showing the status of outstanding bonds of this company in favor of the United States, bond-approving officers are requested to examine carefully the records of their offices and report to the Surety Bonds Branch, Bureau of Accounts, Treasury Department, all outstanding bonds accepted by them and executed by Olympic Insurance Company, Los Angeles, California, as surety or co-surety on which the liability of the company has not terminated as of January 22, 1964.

2. It is also requested that the Surety Bonds Branch be advised as expeditiously as possible as to all facts, in detail, relating to any existing claim, or with respect to the occurrence of any event or the existence of any circumstance which may hereafter result in a claim against Olympic Insurance Company, Los Angeles, California.

3. In furnishing the above information, bond-approving officers will please give the name of the principal on the bond, the date and penalty of the bond and with respect to claims, the nature of the claim, the circumstances out of which it arose, and its status at the time of the report. Negative reports are not necessary.

4. Bond-approving officers and other agents of the Government charged with the duty of taking bonds, recognizances, stipulations or undertakings should proceed immediately to secure new bonds, where necessary, with acceptable sur-

eties in lieu of bonds executed by Olympic Insurance Company, Los Angeles, California.

[SEAL]

JOHN K. CARLOCK,  
Fiscal Assistant Secretary.

[F.R. Doc. 64-2151; Filed, Mar. 4, 1964; 8:49 a.m.]

## DEPARTMENT OF STATE

### Agency for International Development

#### REPRESENTATIVE IN ISRAEL

##### Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 23, dated December 28, 1962, as amended by Delegation of Authority No. 23.1, dated August 15, 1963, from the Administrator, I hereby redelegate, for the area within his responsibility, authority to the Representative of the Agency for International Development of the United States of America in Israel to execute loan agreements and documents ancillary thereto pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended: *Provided, however, That such loans:*

(1) Are guaranteed by an Israeli bank satisfactory to the Director of the Office of Capital Development and Finance of the Bureau for Near East and South Asia;

(2) Are for a term of not to exceed ten years plus a grace period of not to exceed two years; and

(3) Bear interest at the rate of ten percent (10 percent) per annum, less the fee of the guarantor of such loan.

Pursuant to the aforementioned delegations and pursuant to the authority delegated to me by the Administrator in a memorandum dated March 29, 1963, I hereby ratify all loan agreements executed, pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, by the Representative of the Agency for International Development of the United States of America in Israel under the authority delegated to him by the Acting Assistant Administrator of the Bureau for Near East and South Asia under the delegation of authority dated April 8, 1963. The aforementioned delegation of authority, dated April 8, 1963, is hereby revoked.

This redelegation of authority is effective immediately.

WILLIAM S. GAUD,  
Assistant Administrator, Bureau for  
Near East and South Asia.

FEBRUARY 26, 1964.

[F.R. Doc. 64-2149; Filed, Mar. 4, 1964; 8:49 a.m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### DISTRICT MANAGER, ANCHORAGE, AND DISTRICT MANAGER, FAIRBANKS

##### Delegation of Authority

SECTION 1. Pursuant to § 1.1 of Bureau of Land Management Order No. 684, as amended, the District Manager, Anchorage, and the District Manager, Fairbanks, are authorized to perform in their respective districts all the functions listed in §§ 1.2 through 1.9 of Part 1 of the above cited order, subject to limitations in Part 1. In addition to limitations in specified matters, the authority delegated to the respective District Managers shall not include the authority contained in the following sections:

###### FAIRBANKS DISTRICT MANAGER

1. Section 1.2(d).
2. Subparagraphs (1) and (2) of § 1.3(d).
3. Subparagraphs (2) and (3) of § 1.4(a). Approval of or cancellation of Special Instructions for surveys under § 1.4(a)(1).
4. Section 1.9(d).
5. Section 1.9(r).

###### ANCHORAGE DISTRICT MANAGER

1. Section 1.2(d).
2. Subparagraphs (1) and (2) of § 1.3(d).
3. Subparagraphs (1), (2), and (3) of § 1.4(a).
4. Section 1.9(d).
5. Section 1.9(r).

SEC. 2. The District Managers are authorized to redelegate the authority herein delegated, to the Chiefs, Branches of Lands and Minerals Operations and to appropriate section heads in these branches. Any such redelegation shall be approved by the State Director and published in the FEDERAL REGISTER.

SEC. 3. The delegation of authority by the State Director, Alaska, approved January 4, 1963 (FEDERAL REGISTER January 10, 1963, Volume 28, No. 7, Pg. 294) is hereby cancelled.

ROGER R. ROBINSON,  
State Director.

Approved:

H. R. HOCKMUTH,  
Associate Director.

FEBRUARY 27, 1964.

[F.R. Doc. 64-2127; Filed, Mar. 4, 1964; 8:47 a.m.]

[Classification No. 20]

[C-083509]

## COLORADO

### Small Tract Classification Revocation

1. Pursuant to the authority delegated to me by the Colorado State Director of

the Bureau of Land Management, effective February 19, 1958 (23 FR 1098), Colorado Small Tract Classification No. 20, appearing as F.R. Doc. 57-3510 on page 3081 in the issue for May 1, 1957, is hereby revoked in its entirety. The lands involved are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 43 N., R. 4 W.,  
Sec. 15, lot 24;  
Sec. 22, lots 5, 8, and 17.

The area described contains 69.96 acres.

2. The public lands affected by this order are hereby restored as of 10:00 a.m. April 3, 1964 to the operation of the public land laws, subject to valid existing rights, and the requirements of applicable laws, rules, and regulations.

J. ELLIOTT HALL,  
Chief, Lands and Minerals.

FEBRUARY 27, 1964.

[F.R. Doc. 64-2128; Filed, Mar. 4, 1964;  
8:47 a.m.]

NEVADA

Order Providing for Opening of Public Lands

FEBRUARY 27, 1964.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g) as amended, the following described lands have been conveyed to the United States:

MOUNT DIABLO MERIDIAN, NEVADA

[Nevada 061567, 060532, 061562, 061518]

T. 27 N., R. 18 E.,  
Sec. 10,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 24,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ .  
T. 42 N., R. 19 E.,  
Sec. 3,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}S\frac{1}{2}$ ;  
Sec. 9,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 15,  $NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ .  
T. 17 N., R. 20 E.,  
Sec. 1, lot 2 of  $NW\frac{1}{4}$ , lot 2 of  $NE\frac{1}{4}$ .

[Nevada 061199, 061454]

T. 25 N., R. 31 E.,  
Sec. 28,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ .  
T. 41 N., R. 31 E.,  
Sec. 5, lots 2 and 3,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 6,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 7,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  
 $NW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 18, lot 2,  $NE\frac{1}{4}NW\frac{1}{4}$ .  
T. 42 N., R. 31 E.,  
Sec. 33,  $S\frac{1}{2}NW\frac{1}{4}$ .  
T. 44 N., R. 31 E.,  
Sec. 1,  $W\frac{1}{2}W\frac{1}{2}$ .  
T. 45 N., R. 31 E.,  
Sec. 24,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 25,  $W\frac{1}{2}W\frac{1}{2}$ ;  
Sec. 36,  $W\frac{1}{2}W\frac{1}{2}$ .

[Nevada 061510]

T. 30 N., R. 34 E.,  
Secs. 1, 3 and 5;  
Sec. 7, lots 1 to 5 incl., and lots 8 to 12,  
incl.,  $E\frac{1}{2}$ ;  
Sec. 9;  
Sec. 11,  $W\frac{1}{2}$ ;  
Secs. 15 and 17;  
Sec. 19, lots 1 to 9 incl.,  $S\frac{1}{2}$  lot 12, lots  
14 to 18 incl., lot 23,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 21, lots 6 and 7,  $NW\frac{1}{4}$ ;  
Sec. 29,  $E\frac{1}{2}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 31;  
Sec. 33,  $NW\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ ,  $W\frac{1}{2}W\frac{1}{2}$ ,  
 $SE\frac{1}{4}SW\frac{1}{4}$ ,  $S\frac{1}{2}SE\frac{1}{4}$ .

[Nevada 060744]

T. 42 N., R. 40 E.,  
Sec. 25,  $W\frac{1}{2}SW\frac{1}{4}$ ;  
Sec. 26,  $SW\frac{1}{4}$ ;  
Sec. 27,  $SE\frac{1}{4}$ ;  
Sec. 34,  $NE\frac{1}{4}$ ,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 35,  $S\frac{1}{2}SE\frac{1}{4}$ ,  $W\frac{1}{2}SW\frac{1}{4}$ .  
T. 39 N., R. 43 E.,  
Sec. 23,  $SE\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 24,  $NW\frac{1}{4}$ .  
T. 41 N., R. 43 E.,  
Sec. 36,  $SE\frac{1}{4}SE\frac{1}{4}$ .

[Nevada 043550]

T. 32 N., R. 44 E.,  
Sec. 13.  
T. 35 N., R. 44 E.,  
Sec. 5, lots 1 and 2,  $S\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 9,  $NW\frac{1}{4}$ ;  
Sec. 17;  
Sec. 19,  $SE\frac{1}{4}$ ;  
Sec. 29,  $NW\frac{1}{4}$ ;  
Sec. 31, lots 1 and 2,  $E\frac{1}{2}NW\frac{1}{4}$ .  
T. 36 N., R. 44 E.,  
Sec. 3,  $SE\frac{1}{4}$ ;  
Sec. 9,  $SE\frac{1}{4}$ ;  
Sec. 11,  $NW\frac{1}{4}$ ;  
Sec. 15,  $NW\frac{1}{4}$ ;  
Sec. 21;  
Sec. 29,  $E\frac{1}{2}$ ;  
Sec. 33,  $W\frac{1}{2}$ .  
T. 37 N., R. 44 E.,  
Sec. 13;  
Sec. 23,  $SE\frac{1}{4}$ ;  
Sec. 25,  $NW\frac{1}{4}$ ;  
Sec. 35.  
T. 38 N., R. 44 E.,  
Sec. 27,  $S\frac{1}{2}$ ;  
Sec. 29,  $S\frac{1}{2}$ ;  
Sec. 31.

[Nevada 056257, 043550]

T. 30 N., R. 45 E.,  
Sec. 28,  $SW\frac{1}{4}SW\frac{1}{4}$ .  
T. 32 N., R. 46 E.,  
Sec. 13,  $W\frac{1}{2}$ .

[Nevada 061519, 061010, 060541]

T. 24 N., R. 50 E.,  
Sec. 18,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 19,  $E\frac{1}{2}$ ,  $E\frac{1}{2}SW\frac{1}{4}$ .  
T. 28 N., R. 51 E.,  
Sec. 17.  
T. 29 N., R. 51 E.,  
Sec. 11.  
T. 31 N., R. 51 E.,  
Sec. 5;  
Sec. 9,  $NE\frac{1}{4}$ ,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}NW\frac{1}{4}$ .

[Nevada 060541, 043550]

T. 28 N., R. 52 E.,  
Sec. 1, lots 1 to 4, incl.,  $S\frac{1}{2}N\frac{1}{2}$ ;  
Sec. 11, lots 1 to 5 incl.,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $S\frac{1}{2}$   
 $NW\frac{1}{4}$ .  
T. 29 N., R. 52 E.,  
Sec. 5, lots 3 and 4,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ ;  
Secs. 11 and 27.  
T. 32 N., R. 52 E.,  
Sec. 15.

[Nevada 061568, 060538, 060267]

T. 31 N., R. 55 E.,  
Secs. 7 and 17.  
T. 33 N., R. 56 E.,  
Sec. 11,  $E\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ .  
T. 34 N., R. 56 E.,  
Secs. 23 and 25;  
Sec. 27,  $E\frac{1}{2}$ ;  
Sec. 35.  
T. 34 N., R. 57 E.,  
Secs. 19, 21 and 29;  
Sec. 33,  $N\frac{1}{2}N\frac{1}{2}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ .

[Nevada 060589, 061394, 061505]

T. 36 N., R. 58 E.,  
Secs. 25 and 35.  
T. 30 N., R. 59 E.,  
Sec. 15,  $E\frac{1}{2}W\frac{1}{2}$ ;  
Sec. 21,  $SW\frac{1}{4}NE\frac{1}{4}$ .

T. 36 N., R. 59 E.,  
Sec. 29;  
Sec. 31,  $N\frac{1}{2}$ .  
T. 32 N., R. 60 E.,  
Sec. 1,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  
 $NW\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 13,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $NE\frac{1}{4}NW\frac{1}{4}$ .

[Nevada 043550]

T. 35 N., R. 62 E.,  
Sec. 1, lots 1 and 2,  $S\frac{1}{2}NE\frac{1}{4}$ .  
T. 36 N., R. 62 E.,  
Secs. 11 and 23;  
Sec. 25,  $SW\frac{1}{4}$ ;  
Sec. 35,  $NE\frac{1}{4}$ .  
T. 37 N., R. 62 E.,  
Sec. 1,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 11,  $W\frac{1}{2}$ ,  $SE\frac{1}{4}$ , except a strip of land  
400' wide, containing 52.10 acres, lying  
equally on each side of center line of  
Central Pacific Railway Company's rail-  
road as now constructed;  
Secs. 23 and 35.  
T. 34 N., R. 63 E.,  
Sec. 9;  
Sec. 15,  $S\frac{1}{2}$ .  
T. 35 N., R. 63 E.,  
Sec. 5, lots 3 and 4,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $S\frac{1}{2}$ ;  
Sec. 9;  
Sec. 15,  $W\frac{1}{2}$ ;  
Sec. 27,  $W\frac{1}{2}$ ;  
Sec. 33, All, except 17.46 acres in  $NE\frac{1}{4}$   
conveyed to Western Pacific Railway Co.  
by deed dated November 27, 1908.  
T. 36 N., R. 63 E.,  
Sec. 31, lots 3 and 4,  $E\frac{1}{2}SW\frac{1}{4}$ .  
T. 37 N., R. 63 E.,  
Sec. 5, lots 3 and 4,  $S\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 7, lots 1 and 2,  $E\frac{1}{2}NW\frac{1}{4}$ , except a  
strip of land 400' wide, containing 26.34  
acres, lying equally on each side of center  
line of Central Pacific Railway Com-  
pany's railroad as now constructed.  
T. 38 N., R. 63 E.,  
Sec. 5, All, except a strip of land contain-  
ing 5.95 acres conveyed to Oregon Short  
Line Railway Co. by deed dated Novem-  
ber 7, 1924;  
Sec. 9,  $W\frac{1}{2}$ ;  
Sec. 17,  $E\frac{1}{2}$ ;  
Sec. 21,  $W\frac{1}{2}$ ;  
Secs. 29 and 31.

[Nevada 056820, 061565]

T. 13 N., R. 67 E.,  
Sec. 27,  $SE\frac{1}{4}$ .  
T. 1 N., R. 69 E.,  
Sec. 32,  $NE\frac{1}{4}NE\frac{1}{4}$ .

[Nevada 056347, 061564]

T. 17 S., R. 55 E.,  
Sec. 26,  $E\frac{1}{2}SE\frac{1}{4}$ ;  
Sec. 34,  $SE\frac{1}{4}SE\frac{1}{4}$ ;  
Sec. 35,  $NE\frac{1}{4}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $N\frac{1}{2}SW\frac{1}{4}$ .  
T. 18 S., R. 55 E.,  
Sec. 3, lot 1,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}SW\frac{1}{4}$ ,  $NW\frac{1}{4}$   
 $SE\frac{1}{4}$ .  
T. 4 S., R. 60 E.,  
Sec. 1,  $SW\frac{1}{4}SW\frac{1}{4}$ ;  
Sec. 2,  $SW\frac{1}{4}NE\frac{1}{4}$ ;  
Sec. 11,  $NW\frac{1}{4}NE\frac{1}{4}$ .

The above tracts aggregate approxi-  
mately 42, 828.61 acres.

2. Minerals were conveyed in the fol-  
lowing described lands:

MOUNT DIABLO MERIDIAN, NEVADA

T. 27 N., R. 18 E.,  
Sec. 10,  $W\frac{1}{2}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $E\frac{1}{2}NW\frac{1}{4}$ ;  
Sec. 24,  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ .  
T. 42 N., R. 19 E.,  
Sec. 3,  $SE\frac{1}{4}NE\frac{1}{4}$ ,  $NE\frac{1}{4}SE\frac{1}{4}$ ,  $S\frac{1}{2}S\frac{1}{2}$ ;  
Sec. 9,  $NE\frac{1}{4}SW\frac{1}{4}$ ,  $SE\frac{1}{4}$ ;  
Sec. 15,  $NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ .  
T. 17 N., R. 20 E.,  
Sec. 1, lot 2 of  $NW\frac{1}{4}$ , lot 2 of  $NE\frac{1}{4}$ .  
T. 25 N., R. 31 E.,  
Sec. 28,  $N\frac{1}{2}NW\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ .  
T. 41 N., R. 31 E.,  
Sec. 5, lots 2 and 3,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $NW\frac{1}{4}SW\frac{1}{4}$ ;

- Sec. 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 18, lot 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .
- T. 42 N., R. 31 E.,
- Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ .
- T. 44 N., R. 31 E.,
- Sec. 1, W $\frac{1}{2}$ W $\frac{1}{2}$ .
- T. 45 N., R. 31 E.,
- Sec. 24, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 25, W $\frac{1}{2}$ W $\frac{1}{2}$ ;
- Sec. 36, W $\frac{1}{2}$ W $\frac{1}{2}$ .
- T. 30 N., R. 34 E.,
- Secs. 1, 3 and 5;
- Sec. 7, lots 1 to 5, incl., lots 8 to 12, incl., E $\frac{1}{2}$ ;
- Sec. 9;
- Sec. 11, W $\frac{1}{2}$ ;
- Secs. 15 and 17;
- Sec. 19, lots 1 to 9, incl., S $\frac{1}{2}$  lot 12, lots 14 to 18, incl., lot 23, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 21, lots 6 and 7, NW $\frac{1}{4}$ ;
- Sec. 29, E $\frac{1}{2}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 31;
- Sec. 33, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .
- T. 42 N., R. 40 E.,
- Sec. 25, W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 26, SW $\frac{1}{4}$ ;
- Sec. 27, SE $\frac{1}{4}$ ;
- Sec. 34, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 35, S $\frac{1}{2}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 39 N., R. 43 E.,
- Sec. 23, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- Sec. 24, NW $\frac{1}{4}$ .
- T. 41 N., R. 43 E.,
- Sec. 36, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .
- T. 30 N., R. 45 E.,
- Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$ .
- T. 24 N., R. 50 E.,
- Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 19, E $\frac{1}{2}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 31 N., R. 55 E.,
- Secs. 7 and 17.
- T. 13 N., R. 67 E.,
- Sec. 27, SE $\frac{1}{4}$ .

3. Minerals were conveyed on the following lands within the Desert Game Range:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 17 S., R. 55 E.,
- Sec. 26, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 18 S., R. 55 E.,
- Sec. 3, lot 1, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ .

4. The minerals in the following described lands have been open to mining location and mineral leasing:

MOUNT DIABLO MERIDIAN, NEVADA

- T. 4 S., R. 60 E.,
- Sec. 1, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;
- Sec. 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$ .

5. The land in T. 27 N., R. 18 E., is located near Flanigan, Nevada, in Honey Lake Valley, at an elevation of about 4,000 feet. Soils vary from sandy loam to clay.

6. The land in T. 42 N., R. 19 E., lies south of Vya, Nevada, in Long Valley, at an elevation of approximately 5,500 feet. Topography is flat to slightly rolling.

7. The land in T. 17 N., R. 20 E., is located northwest of Virginia City, Nevada, at an elevation of about 7,000 feet. Soils are decomposed granite, very thin and highly erosive.

8. The land in T. 25 N., R. 31 E., is nearly level and lies about 12 miles south of Lovelock, Nevada. Soils are alkaline, silty clay loams, supporting greasewood, shadscale and various annuals.

9. The land in Tps. 41 and 42 N., R. 31 E., is located on the Quinn River, about 37 miles south of Denio, Nevada. The land is not suitable for agriculture due to saline soils and lack of water for irrigation.

10. The land in Tps. 44 and 45 N., R. 31 E., lies east of Highway 8A, approximately 16 to 18 miles south of Denio, Nevada. Vegetation consists mainly of sagebrush and cheatgrass.

11. The land in T. 30 N., R. 34 E., is located in the Humboldt Range just above Unionville, Nevada, at an elevation of 5,000 to 7,000 feet. Topography is steep and mountainous.

12. The land in T. 42 N., R. 40 E., is about 5 miles east of the town of Paradise Valley, Nevada. Topography varies from gently sloping to undulating rangeland.

13. The land in Tps. 39 and 41 N., R. 43 E., lies northeast of Golconda, Nevada. Topography is rolling hills cut by small washes.

14. The land in Tps. 32, 35, 36, 37 and 38 N., R. 44 E., T. 30 N., R. 45 E., and T. 32 N., R. 46 E., lies north of Battle Mountain, Nevada. Topography and soil features vary with elevation which ranges from 3,900 to 4,700 feet.

15. The land in T. 24 N., R. 50 E., is located along the west foot of Roberts Mountains at an elevation of about 6,000 feet. The soil is sandy clay loam.

16. The land in Tps. 28, 29 and 31 N., R. 51 E., and Tps. 28, 29 and 32 N., R. 52 E., is located south of Carlin, Nevada, in Pine Valley. Elevation is from 5,000 to 6,000 feet above sea level. Soils vary from loam to clay loam.

17. The land in T. 31 N., R. 55 E., lies approximately 18 miles south of Elko, Nevada, at an elevation of about 5,600 feet. Soils vary from shallow whitish, highly erosive and unproductive to deep, brownish gray, moderately erosive and moderately productive.

18. The land in Tps. 33 and 34 N., R. 56 E., lies southeast of Elko, Nevada, at an elevation of about 5,500 feet. Soils are silty loam and support mainly a growth of big sage and lupine.

19. The land in T. 34 N., R. 57 E., is located east of Elko, Nevada. The soils are medium textured, deep, moderately productive and moderately erosive.

20. The land in T. 36 N., R. 58 and 59 E., is approximately 4 miles east of Halleck, Nevada. Topography is rolling to rough. Soil grades from loamy sands to silt loam.

21. The land in T. 30 N., R. 59 E., is located in the central portion of Ruby Valley, about 50 miles south and west of Wells, Nevada. Elevation is approximately 5,900 feet above sea level. Soils are tight clay loam.

22. The land in T. 32 N., R. 60 E., lies in the north central part of Ruby Valley, approximately 35 miles southwest of Wells, Nevada. Soils are grayish with lime hardpan, erosion resistant and moderately productive. Elevation is about 6,060 feet above sea level.

23. The land in Tps. 35, 36 and 37 N., R. 62 E., Tps. 34, 35, 36, 37 and 38 N., R. 63 E., lies in the general vicinity of Wells, Nevada. Topography varies from flat to rough. Soils grade from tight clay to gravelly loam.

24. The land in T. 13 N., R. 67 E., is located on the east side of Spring Valley, 10 miles north of Shoshone, Nevada. Soils are deep sandy silt loams, supporting a growth of greasewood, big rabbitbrush and sage.

25. The land in T. 1 N., R. 69 E., is located east of Pioche, Nevada, in the drainage channel of Meadow Valley Wash.

26. The land in Tps. 17 and 18 S., R. 55 E., is withdrawn from entry under the public land laws.

27. The land in T. 4 S., R. 60 E., is located in Northern Pahrangat Valley and is steep and rocky with shallow soils.

28. Pursuant to the authority delegated to me by Bureau Order 684, § 2.5, dated August 28, 1961, of the Associate Director, Bureau of Land Management, and Nevada State Order No. 43, dated February 26, 1963, the lands described in paragraph 1 hereof shall become subject to application, petition, and selection generally, but excepting applications under the Small Track Act, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, effective 10:00 a.m. on April 3, 1964. All valid applications received at or prior to 10:00 a.m. on April 3, 1964, shall be considered as simultaneously filed at that time.

29. The lands described in paragraph 2 shall be open to mineral leasing and to location under the United States Mining laws at 10:00 a.m. on April 3, 1964. Any offers received at or prior to this time and date will be considered as simultaneously filed.

30. The lands described in paragraph 3 shall be open to location of metalliferous minerals and the SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 3, T. 18 S., R. 55 E., shall be open to oil and gas leasing in addition to location of metalliferous minerals at 10:00 a.m. on April 3, 1964.

31. Inquiries shall be addressed to Chief, Division of Lands and Minerals Management, Bureau of Land Management, P.O. Box 1551, Reno, Nevada.

DANIEL P. BAKER,  
Chief, Division of Lands and Minerals Management.

[F.R. Doc. 64-2129; Filed, Mar. 4, 1964; 8:48 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

The U.S. Army, Corps of Engineers, has filed an application, Washington 05056, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for the construction of the Lower Monumental Lock and Dam Project on the Snake River, Washington.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680

Bon Marche Building, Spokane, Washington.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WILLAMETTE MERIDIAN

- T. 13 N., R. 34 E.,  
Sec. 26, SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ .
- T. 13 N., R. 36 E.  
Sec. 14, SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ ;  
Sec. 18, S  $\frac{1}{2}$  SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ ;  
Sec. 24, SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ .
- T. 13 N., R. 37 E.,  
Sec. 18, E  $\frac{1}{2}$  SE  $\frac{1}{4}$ , E  $\frac{1}{2}$  E  $\frac{1}{2}$  NE  $\frac{1}{4}$ ;  
Sec. 30, Lot 8.
- T. 13 N., R. 38 E.,  
Sec. 30, Lot 4;  
Sec. 32, Lot 1, except the south 500 feet;  
Lot 2, except the south 300 feet.

The areas described aggregate approximately 276.07 acres.

DOUGLAS E. HENRIQUES,  
Acting Officer in Charge.

[F.R. Doc. 64-2130; Filed, Mar. 4, 1964;  
8:48 a.m.]

Bureau of Land Management  
OUTER CONTINENTAL SHELF OFF  
LOUISIANA  
Oil and Gas Lease Offer

Correction

In Federal Register Document 64-1619, published at page 2703 in the FEDERAL REGISTER for Wednesday, February 26, 1964, the description for Tract No. La-1683 should read: "NW  $\frac{1}{4}$ ; SE  $\frac{1}{4}$ ".

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

LOAN APPLICATIONS FOR GENERATION AND TRANSMISSION FACILITIES

Notifications to Appropriations Committees

A. The Appropriations Committees of the United States Senate and House of

Representatives, as directed by the respective bodies, will be informed by REA of requests for loan funds for acquiring or constructing generating facilities. No such request will be approved unless such notification concerning the request has been furnished the Committee in writing at least 30 days in advance of the approval.

B. The Appropriations Committees of the United States Senate and House of Representatives, as directed by the respective bodies, will be informed of requests for loan funds for acquiring or constructing transmission facilities, or generation and transmission facilities, in excess of \$2 million. No request for loan funds for either or both in the amount of over \$2 million will be approved unless such notification concerning the request has been furnished the Committees in writing at least 60 days in advance of the approval.

C. The Committee on Appropriations of the United States Senate will be notified of the amount and purpose of each generation and major transmission loan approved by REA.

D. If REA determines a loan application need not or cannot be processed for loan approval, or the applicant withdraws or cancels the application, the loan application shall be considered "closed without loan" and removed from official records of pending loan applications. The loan applicant, and the Committee on Appropriations of the United States Senate in all instances in which it has been notified of the request for funds, will be notified accordingly.

Effective this 28th day of February 1964.

NORMAN M. CLAPP,  
Administrator.

[F.R. Doc. 64-2138; Filed, Mar. 4, 1964;  
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CREAMED COTTAGE CHEESE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21 of the Code of Federal Regulations concerning temporary permits to facilitate market testing of foods varying from the requirements of the standard of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act., notice is given that a temporary permit has been issued to Fairmont Foods Company, 3201 Farnam Street, Omaha, Nebraska, to cover interstate marketing tests of creamed cottage cheese deviating from the requirements of the standard of identity for this food (21 CFR § 19.530). The product deviates from the standard of identity in that an artificial flavoring, diacetyl, is added to the creaming mixture. The creamed cottage cheese will be labeled to show that artificial flavoring has been added.

This permit expires February 15, 1965.

Dated: February 28, 1964.

WINTON B. RANKIN,  
Assistant Commissioner for Planning.  
[F.R. Doc. 64-2140; Filed, Mar. 4, 1964;  
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Supp. No. 1]

1963 WORKING ARRANGEMENT FOR ALLOCATION OF FM BROADCAST STATIONS UNDER CANADA-U.S.A. FM AGREEMENT OF 1947

Amendment of Table A

FEBRUARY 28, 1964.

Pursuant to exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A of the FM Working Arrangement has been amended as follows:

City	Channel No.	
	Delete	Add
Parry Sound, Ontario.....	248C <sub>1</sub>	248B
Parry Sound, Ontario.....	258C <sub>1</sub>	258C
Savona, British Columbia.....		270A
Theftord Mines, Quebec.....	300B	250C*
Montreal, Quebec.....	257C <sub>1</sub>	
Ottawa-Hull, Ontario.....	255B	
Cornwall, Ontario.....	300C <sub>1</sub> *	299A
Quebec City, Quebec.....	256C <sub>1</sub>	
Clearwater, British Columbia.....		224B
Ste. Agathe des Monts, Quebec.....	273A	268A

Future amendments to Table A will be issued as public notices in the form of numbered supplements.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2095; Filed, Mar. 4, 1964;  
8:45 a.m.]

[FCC 64-151]

CARRIERS DESIRING AUTHORIZATION TO PURCHASE STOCK IN INITIAL ISSUE OF COMMUNICATIONS SATELLITE CORPORATION

Filing of Application

FEBRUARY 26, 1964.

The Federal Communications Commission announced today that any communications common carrier planning to purchase shares of the initial offering of voting stock of the Communications Satellite Corporation must file application with the Commission for authorization to purchase such stock not later than March 23, 1964.

This notice is being given after consultation with the Communications Satellite Corporation. The Corporation has stated that it expects to make the initial offering within the next few months. The Commission believes that in order to effect the orderly distribution of the stock of the initial offering in the manner contemplated by section

304 of the Communications Satellite Act of 1962, the Corporation must have knowledge of who the authorized carriers are at a reasonable time before the offering date.

On December 17, 1962, the Commission adopted a Report and Order in Docket No. 14865 setting forth rules designed to establish the procedure by which communications common carriers could obtain authorizations to own stock of the Communications Satellite Corporation. The underlying policy, as the Commission stated in its original Notice of Proposed Rule Making, was the effectuation of the statutory objective of promoting the widest possible ownership of shares of stock of the Corporation consistent with the public interest. Accordingly, the Commission proposed to entertain applications from all communications common carriers furnishing interstate or foreign communications by wire or radio including the some 3000 telephone companies in the United States who participate in providing such service only as connecting carriers. Since that date 149 applications have been filed with the Commission.

The date of March 23, 1964, was selected in order to afford the large number of communications common carriers, which have not sought authorization in the past 14 months but may desire to do so, maximum additional time consistent with our procedural requirements and the proposed schedule of the Corporation. Therefore, Public Notice is hereby given to all of these carriers desiring to secure authorization to purchase shares of the initial offering of voting stock to file their applications on or before March 23, 1964. If these applications are in accordance with the rules, they will be processed and authorizations will be issued to qualified applicants in time for participation in the initial offering. Applications received after March 23, 1964, will be processed, but authorizations will be issued to qualified applicants at a date subsequent to the date of the initial offering. Thus, such applicants, while authorized to own stock, will not be able to participate in the initial offering.

Finally, notice is given that if there should be any substantial alteration in the present schedule of the Corporation for the issuance of its stock which would permit an extension of the March 23, 1964, cut off date, appropriate public notice will be given of the new later date.

The Commission has ordered this notice to be published in the FEDERAL REGISTER.

Adopted: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE, Secretary.

[F.R. Doc. 64-2096; Filed, Mar. 4, 1964; 8:45 a.m.]

<sup>1</sup>Commissioners Bartley and Loevinger absent.

[FCC 64-165]

[List No. 53]

STANDARD BROADCAST APPLICATIONS

Ready and Available for Processing

FEBRUARY 27, 1964.

Notice is hereby given, pursuant to § 1.571(c) of the Commission rules, that on April 8, 1964, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to §§ 1.227(b) (1) and 1.591(c) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 7, 1964, which involves a conflict necessitating a hearing with an application on this list, must comply with the interim criteria governing acceptance of standard broadcast applications set forth in the note to § 1.571 of the Commission rules and be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on April 7, 1964, or (b) the earlier effective cut-off date which a listed application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE, Secretary.

APPENDIX

Applications from the top of the processing line:

- BP-13708 WHOO, Orlando, Fla. WHOO Radio, Inc. Has: 990 kc, 5 kw, 10 kw-LS, DA-N, U. Req: 990 kc, 5 kw, 50 kw-LS, DA-2, U (10 kw Non-DA C.H.)
- BP-15173 WTUP, Tupelo, Miss. Lee Broadcasting Co. Has: 1490 kc, 250 w, U. Req: 1490 kc, 250 w, 1 kw-LS, U.
- BP-16029 KORK, Las Vegas, Nev. Southwestern Broadcasting Co. Has: 1340 kc, 250 w, U. Req: 1340 kc, 250 w, 1 kw-LS, U.
- BMP-11115 WBVA, Waynesboro, Va. Music Productions, Inc. Has CP: 970 kc, 500 w, Day. Req MP: 970 kc, 500 w, 5 kw-LS, DA-2, U.
- BP-16048 WFBS, Spring Lake, N.C. Radio Smiles, Inc. Has: 1450 kc, 250 w, 500 w-LS, U. Req: 1450 kc, 250 w, 1 kw-LS, U.

- BP-16051 KPRM, Park Rapids, Minn. De La Hunt Broadcasting Corp. Has: 1240 kc, 250 w, U. Req: 1240 kc, 250 w, 1 kw-LS, U.
- BP-16056 KPAL, Palm Springs, Calif. KPAL Broadcasting Corp. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
- BP-16076 New, Ulysses, Kans. Grant County Broadcasting Company, Inc. Req: 1420 kc, 500 w, 1 kw-LS, DA-2, U.
- BP-16078 New, Machias, Maine. Coastal Broadcasting Company, Inc. Req: 1400 kc, 250 w, 1 kw-LS, U.
- BP-16080 New, Montpelier, Idaho. Glacus G. Merrill. Req: 1450 kc, 250 w, 1 kw-LS, U.
- BP-16081 WDSG, Dyersburg, Tenn. State Gazette Broadcasting Co. Has: 1450 kc, 250 w, U. Req: 1450 kc, 250 w, 1 kw-LS, U.
- BMP-11164 KNOP, North Platte, Nebr. North Platte Television, Inc. Has CP: 1410 kc, 1 kw, Day. Req MP: 1410 kc, 500 w, 1 kw-LS, DA-N, U.
- BP-16084 KRNS, Burns, Oreg. Radio Burns. Has: 1230 kc, 250 w, S.H. Req: 1230 kc, 250 w, 1 kw-S.H., U.
- BP-16085 New, Franklin, N.H. Franklin Broadcasting Corp. Req: 1240 kc, 250 w, U.

[F.R. Doc. 64-2097; Filed, Mar. 4, 1964; 8:45 a.m.]

[Docket Nos. 15163, 15164; FCC 64M-167]

CLEVELAND BROADCASTING, INC. AND COMMUNITY TELECASTERS OF CLEVELAND, INC.

Order Continuing Hearing

In re applications of Cleveland Broadcasting, Inc., Cleveland, Ohio, Docket No. 15163, File No. BPCT-3117; Community Telecasters of Cleveland, Inc., Cleveland, Ohio, Docket No. 15164, File No. BPCT-3176; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a "Petition for Postponement of Hearing Dates" filed by Community Telecasters of Cleveland, Inc., on February 26, 1964, in the above-entitled matter and agreed to by Cleveland Broadcasting, Inc., and the Broadcast Bureau, and

It appearing, that good cause has been shown for the postponement of the dates mentioned,

It is ordered, This 26th day of February 1964, that the aforesaid petition is granted and that accordingly:

1. Exchange of affirmative cases shall occur on April 3, 1964, instead of on March 2, 1964,
2. There shall be an off-the-record preliminary review of exhibits to attempt to agree to objections and deletions on April 17, 1964, instead of on March 13, 1964,
3. There shall be a formal hearing on the admissibility of exhibits on April 27, 1964, instead of on March 18, 1964, and
4. The hearing now scheduled for March 30, 1964, is hereby rescheduled to May 6,

1964, in the Commission's offices in Washington, D.C.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2098; Filed, Mar. 4, 1964;  
8:45 a.m.]

[Docket No. 15343]

### STEPHEN B. McELHINNY

#### Order to Show Cause

In the matter of Stephen B. McElhinny, Lakewood, California, order to show cause why there should not be revoked the license for Radio Station KFA-4204 in the Citizens Radio Service.

The Commission, by the Chief, Safety and Special Radio Services Bureau, under delegated authority, having under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.89 (formerly § 1.76) of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee at his address of record as follows: Official Notice of Violation dated November 12, 1963, alleging violation of § 19.61(a) (now § 95.81(a)) of the Commission's rules.

It further appearing, that said licensee did not reply to such communication or to a follow-up letter dated December 12, 1963, also mailed to the licensee at his address of record; and

It further appearing, that, in view of the foregoing, the licensee has repeatedly violated § 1.89 of the Commission's rules; and

It further appearing, that the violations of § 1.89 of the Commission's rules and the related facts create apparent liability by the respondent to a monetary forfeiture of \$100 under Section 510 of the Communications Act of 1934, as amended, and § 1.80 of the Commission's rules; and also subject the license of the above-captioned station to revocation under the provisions of section 312 of the Communications Act of 1934, as amended; but further proceedings in this Docket should be limited to action looking toward a determination as to whether an order of revocation should be issued;

*It is ordered*, This 27th day of February 1964, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and § 0.331(b) (8) of the Commission's rules, that licensee show cause why the license for the above-captioned radio station should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested

to licensee at his last known address of 2842 Dashwood, Lakewood, California.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2099; Filed, Mar. 4, 1964;  
8:45 a.m.]

[Docket No. 15318; FCC 64M-169]

### MIDDLESEX BROADCASTING CO. (WCNX)

#### Order Re Procedural Dates

In re application of the Middlesex Broadcasting Company (WCNX) Middletown, Connecticut, Docket No. 15318, File No. BP-14055; for construction permit.

*It is ordered*, This 27th day of February 1964, that the order released February 11, 1964, in the above-entitled proceeding (FCC 64M-113; Mimeo. No. 47037) is amended to provide that the prehearing conference herein will be convened by the presiding officer at 10:00 a.m., March 9, 1964, in the Offices of the Commission (Room 6353), Washington, D.C.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2100; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Docket No. 14841; FCC 64M-171]

### VERNE M. MILLER

#### Order Following Further Prehearing Conference of February 26, 1964

In re application of Verne M. Miller, Crystal Bay, Nevada, Docket No. 14841, File No. BP-14706; for construction permit.

Pursuant to the designation of certain new procedural dates by the Hearing Examiner at the further prehearing conference held in this proceeding on February 26, 1964, as set forth on the record thus made;

*It is ordered*, This 27th day of February 1964, that:

(1) The further written sworn exhibits of the applicant on the issues heretofore designated will be exchanged with counsel for the other parties (with copies to be furnished the Examiner) by June 15, 1964;

(2) Notifications as to the taking of depositions and as to applicant's witnesses required to be present at the hearing for cross-examination will be given by June 30, 1964; and

(3) The evidentiary hearing on the applicant's direct affirmative case under existing issues will commence on July 14,

1964, at 10:00 a.m., in the offices of the Commission at Washington, D.C.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2101; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Docket No. 15276; FCC 64M-168]

### CHARLES A. SEAMAN

#### Order Re Procedural Dates

In re application of Charles A. Seaman, 935 Tanner Avenue, Elizabeth, Pennsylvania, for a general class amateur operator license.

Pursuant to agreement of counsel for all parties at the prehearing conference held on February 26, 1964: *It is ordered*, This 26th day of February 1964, that a further prehearing conference will be held at 10:00 a.m., March 20, 1964, at the offices of the Commission in Washington, D.C. and that the hearing, presently scheduled to commence on March 4, 1964 in Pittsburgh, Pennsylvania, is continued to a date to be fixed by subsequent order.

Released: February 27, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2102; Filed, Mar. 4, 1964;  
8:46 a.m.]

[Docket Nos. 15289, 15290; FCC 64M-174]

### C & G ELECTRONICS CO. AND RADIOFONE SERVICE

#### Order Continuing Hearing

In re applications of C & G Electronics Company, Docket No. 15289, File No. 216-C2-P-63; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Tacoma, Washington; Robert M. Kunz, d/b as Radiofone Service, Docket No. 15290, File No. 1167-C2-P-63; for a construction permit to modify the facilities of Station KOE518 in the Domestic Public Land Mobile Radio Service at Tacoma, Washington.

*It is ordered*, This 27th day of February 1964, pursuant to a prehearing conference as of this date, that the hearing herein now scheduled for March 18, 1964, be and the same is hereby rescheduled for April 29, 1964, 10:00 a.m., in the Commission's Offices, Washington, D.C.

Released: February 28, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,

BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2165; Filed Mar. 4, 1964;  
8:50 a.m.]

[Docket Nos. 15348, 15349; FCC 64-162]

**EATON COUNTY BROADCASTING CO.  
(WCER) AND FLAT RIVER BROAD-  
CASTING CO. (WPLB)**

**Order Designating Applications for  
Consolidated Hearing on Stated  
Issues**

In re applications of Eaton County Broadcasting Company (WCER), Charlotte, Michigan, Docket No. 15348, File No. BP-14612, has: 1390kc, 1kw, DA, Day requests: 1390kc, 5kw, DA, Day; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company (WPLB), Greenville, Michigan, Docket No. 15349, File No. BP-14993, has: 1380kc, 500w, DA, Day requests: 1380kc, 500w, 1kw-LS, DA-N, U., For Construction Permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of February 1964;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate the stations as proposed, but that the operation of Stations WCER and WPLB as proposed would result in mutual, adjacent channel (ten kilocycles removed) interference; that WCER has submitted measurement data purporting to show that any interference caused to the proposed operation of Station WPLB would be slight while WPLB has submitted measurement data made along the same bearings employed by WCER which purport to show that the interference from the WCER proposal and the existing operation of other standard broadcast stations would affect more than 10 percent of the population within the proposed WPLB daytime service area in contravention of § 73.28 (d) (3) of the Commission's rules ("ten percent" Rule); that, in view of the conflicting data on file, the applications of WCER and WPLB must be designated for hearing in a consolidated proceeding to determine the extent of the interference that each of the proposed operations would cause to the existing and proposed operations of the other station; and

It further appearing, that, according to data submitted by WPLB, the proposed nighttime operation of the station would be limited to the 35.84 mv/m contour<sup>1</sup> with the result that 46.6 percent of the population within the normally protected nighttime contour (4.0 mv/m) would not receive service; that, while the proposed WPLB nighttime operation may come within one of the exceptions stated in § 73.28(d) in that 25 percent or more of the nighttime primary service area of the proposed station is without primary nighttime service, the high population loss coupled with the high nighttime limit confining the inter-

ference-free nighttime service area to approximately seven square miles and the inadequacy of the WPLB showing to establish that the proposed service would not be reduced to an unsatisfactory degree, a question obtains as to whether this proposal complies with § 73.24(b) of the Commission's rules; and

It further appearing, that, the proposed WPLB nighttime interference-free contour may not encompass the entire city sought to be served and, as a result, a question obtains as to whether this proposal would comply with the provisions of § 73.30(c) of the Commission's rules; and

It further appearing, that, although not shown by the WPLB application, slight mutual co-channel interference is indicated with Station WTHH, Port Huron, Michigan, which holds a construction permit to, among other things, increase power from one to five kilowatts and change antenna site; that the interference indicated was not shown in the WTHH proposal which was granted on December 20, 1961; that, since the WPLB proposal was co-pending and timely filed with the WTHH proposal and since the mutual interference is slight and is not considered significant with respect to a consideration of whether the WPLB proposal would comply with § 73.28(d) (3) of the rules ("ten percent" rule), it does not appear to be appropriate to include an issue herein with respect to WTHH; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

*It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WCER and WPLB and the availability of other primary service to such areas and populations.

2. To determine the nature and extent of the interference, if any, that each of the proposals would cause to and receive from each other and the interference that each of the proposals would receive from all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations affected by interference from either of the proposals.

3. To determine whether the proposed operation of either WCER or WPLB would cause objectionable interference to the existing operation of the other, or any other existing standard broadcast stations, and, if so, the nature and extent thereof the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received by the proposed operation of WPLB during daytime hours would affect more than ten percent of the population within its proposed normally protected primary service area in contravention of § 73.28(d) (3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether, because of interference received, the nighttime proposal of Station WPLB would be consistent with the requirements of § 73.24 (b) of the rules and, if not, whether circumstances exist warranting a waiver of the rule.

6. To determine whether the proposed operation of Station WPLB is in compliance with § 73.30(c) of the Commission rules and, if not, whether circumstances exist which would warrant a waiver of said section.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

*It is further ordered*, That each of the applicants herein is made a party respondent to the proceeding with respect to its existing operation.

*It is further ordered*, That, in the event of a grant of either application, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable

<sup>1</sup> The Commission's study indicates that the actual nighttime limitation contour would be nearer 37.2 mv/m.

assurance that the proposals set forth in the application will be effectuated.

Released: March 2, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>2</sup>  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2166; Filed, Mar. 4, 1964;  
8:50 a.m.]

[Docket Nos. 15111, 15112; FCC 64M-173]

**HOLSTON BROADCASTING CORP.  
AND C. M. TAYLOR**

**Order Continuing Hearing**

In re applications of Holston Broadcasting Corporation, Elizabethton, Tennessee, Docket No. 15111, File No. BP-15012; C. M. Taylor, Blountville, Tennessee, Docket No. 15112, File No. BP-15115; for construction permits.

The Hearing Examiner having under consideration a verbal request for continuance made by counsel for C. M. Taylor, and

It appearing, that the hearing is currently scheduled to commence on March 16, 1964, and that this date is undesirable owing to conflicts with other hearings in which counsel or the Examiner are participants.

It is ordered, This 27th day of February 1964, that the hearing is continued from March 16, 1964, to April 14, 1964.

Released: February 28, 1964.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] BEN F. WAPLE,  
Secretary.

[F.R. Doc. 64-2167; Filed, Mar. 4, 1964;  
8:50 a.m.]

**FEDERAL MARITIME COMMISSION**

**PORT OF SEATTLE AND ALASKA  
STEAMSHIP CO.**

**Notice of Agreement Filed for  
Approval**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814):

Agreement No. T-119, between the Port of Seattle (Port), and Alaska Steamship Company (Company), provides for a month to month lease of a certain portion of pier 39, Seattle, Washington, to be used by Company for the storage of cargo van containers, and other items incidental to Company's operation at pier 42. As compensation, Company agrees to pay a fixed rental as specified within the agreement.

Interested parties may inspect the agreement and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Or-

<sup>2</sup> Commissioner Bartley and Loevinger absent.

leans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should a hearing be desired.

Dated: February 28, 1964.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 64-2155; Filed, Mar. 4, 1964;  
8:49 a.m.]

**AMERICAN PRESIDENT LINES, LTD.,  
AND UNITED STATES LINES COM-  
PANY (AMERICAN PIONEER LINE)**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9237-1, between American President Lines, Ltd. and United States Lines Company (American Pioneer Line) provides for a through billing arrangement for cargo transported in the trade from Okinawa, Korea, Formosa, Manila, Hong Kong and Vietnam to United States Atlantic ports with transshipment at Yokohama or Kobe, Japan in accordance with the terms and conditions as set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LIST,  
Secretary.

[F.R. Doc. 64-2156; Filed, Mar. 4, 1964;  
8:49 a.m.]

**FILLETTE, GREEN & CO. ET AL.**

**Notice of Agreements Filed for  
Approval**

Notice is hereby given that the following agreements have been filed with the Federal Maritime Commission for approval pursuant to section 15 of the Shipping Act, 1916 (75 Stat. 763 and 46

U.S.C. 814). All parties involved are eligible to operate as independent ocean freight forwarders pursuant to section 44 of the Shipping Act, 1916.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other, dividing forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Fillette, Green & Co. of Tampa, Tampa, Florida, is party to the following agreements, the terms of which are identical. The other parties are:

Tone Forwarding Corp., New York, N.Y.----- FF-1402  
Terra-Marine Shipping Co., Inc., San Francisco, Calif.----- FF-1403

Triangle Forwarding Corp., New York, New York, is party to the following agreements, the terms of which are identical. The other parties are:

Poseidon Freight Forwarders, San Francisco, Calif.----- FF-1407  
N. D. Cunningham & Co., Inc., Mobile, Ala.----- FF-1408  
Coastal Forwarders, Charleston, S.C.----- FF-1409

The following agreements have similar terms:

T.D. Downing Co., Boston, Mass., and Premier Shipping Co., Inc., New York, N.Y.----- FF-1400  
D. C. Andrews & Co., Inc., New York, N.Y.; D. C. Andrews & Co. of Ill., Inc., Chicago, Ill.; D. C. Andrews & Co. of La., Inc., New Orleans, La.; D. C. Andrews & Co. of Md., Inc., Baltimore, Md.; D. C. Andrews & Co. of Mass., Inc., Boston, Mass.; and Gulf Florida Terminal Co., Tampa, Fla.----- FF-1401  
The Hipage Co., Inc., Norfolk, Va., and W. R. Zanes & Co. of La., Inc., New Orleans, La.----- FF-1410  
H. S. Thielen, Inc., Lake Charles, La., and Wolf & Gerber, Inc., New York, N.Y.----- FF-1411  
Nordstrom Freighting Corp., New York, N.Y., and Import & Export Service Co., Grand Rapids, Mich.----- FF-1412

Agreement No. FF-1406 between World Wide Services, Inc., New York, New York, and Circle Forwarders, Inc., Detroit, Michigan, is an arrangement under which forwarding and service fees are \$7.50 per shipment and ocean freight compensation is divided equally.

Sunshine Forwarders, Inc., Jacksonville, Florida, is party to the following agreements, the terms of which are identical and provide that the ocean freight compensation will be divided equally (50 percent/50 percent). Forwarding and service fees are as follows:

Bermuda & Nassau: \$2.50

All other countries:

To pass completed export declarations.----- \$1.25  
To pass completed bills of lading.----- 1.25  
To prepare or complete and pass export declarations.----- 2.50  
To prepare or complete and pass bills of lading.----- 2.50  
Preparation of Consul documents.----- 5.00  
Consular documents (at cost)  
Telephone calls, teletypes or telegrams (at cost)

The other parties are:

Hudson Shipping Co., Inc., New York, N.Y.----- FF-1404  
 Heidl's Inc., New York, N.Y.----- FF-1405

Interested persons may inspect these agreements and obtain copies thereof at the Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. They may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within twenty days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their approval, disapproval, or modification together with request for hearing should such hearing be desired.

Dated: March 2, 1964.

By the Federal Maritime Commission.

THOMAS LISI,  
 Secretary.

[F.R. Doc. 64-2157; Filed, Mar. 4, 1964;  
 8:49 a.m.]

**MATSON NAVIGATION COMPANY  
 AND MOORE-McCORMACK LINES**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9321, between Matson Navigation Company and Moore-McCormack Lines, provides for the appointment by Matson Navigation Company of Moore-McCormack Lines as its general passenger agent in Copenhagen, Gothenburg, Stockholm and Oslo, also Buenos Aires, Montevideo, Rio de Janeiro, Santos and Sao Paulo, which appointment Moore-McCormack Lines accepts with respect to the vessels designated and operated by Matson Navigation Company in its various services. The agreement also provides the rates of compensation to be paid by Matson Navigation Company to Moore-McCormack Lines for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
 Secretary.

[F.R. Doc. 64-2158; Filed, Mar. 4, 1964;  
 8:49 a.m.]

**PARTIES TO NEW YORK FREIGHT  
 BUREAU (HONG KONG) CONFERENCE**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5700-6, between the parties to the New York Freight Bureau (Hong Kong) Conference, modifies the approved agreement of that conference (Agreement No. 5700, as amended), in the trade from Hong Kong, Canton, Amoy, Foochow and all other ports in China south of and including Foochow and from Formosa and Indo-China, excluding Saigon, to U.S. Atlantic and Gulf ports, by deleting therefrom Indo-China and by including therein Macao as a point of origin and including the U.S. Great Lakes ports, Puerto Rico and the U.S. Virgin Islands as points of destination. Other modifications to the basic agreement include such matters as changes in the voting requirements, the institution of a self-policing system and several other revisions as are set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
 Secretary.

[F.R. Doc. 64-2159; Filed, Mar. 4, 1964;  
 8:49 a.m.]

**OCEANIC STEAMSHIP COMPANY  
 AND MOORE-McCORMACK LINES**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9322, between The Oceanic Steamship Company and Moore-McCormack Lines, provides for the appointment by The Oceanic Steamship Company of Moore-McCormack Lines as its general passenger agent in Copenhagen, Gothenburg, Stockholm and Oslo, also Buenos Aires, Montevideo, Rio de Janeiro, Santos, and Sao Paulo, which

appointment Moore-McCormack Lines accepts with respect to the vessels designated and operated by The Oceanic Steamship Company in its various services. The agreement also provides the rates of compensation to be paid by The Oceanic Steamship Company to Moore-McCormack Lines for the performance of the services described in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573 within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
 Secretary.

[F.R. Doc. 64-2160; Filed, Mar. 4, 1964;  
 8:50 a.m.]

**STRAITS STEAMSHIP COMPANY LTD.,  
 N.V. KONINKLIJKE PAKETVAART-  
 MAATSCHAPPIJ, HEAP ENG MOH  
 STEAMSHIP COMPANY LTD., AND  
 NEW YORK LINES AGENCY**

**Notice of Filing of Agreement**

Notice is hereby given that the following described agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 9311, between the above-named parties, provides for a through billing arrangement for rubber transported from ports situated on the East Coast of South Thailand to ports on the Atlantic and Gulf Coasts of the U.S.A., with transshipment at Singapore in accordance with the terms and conditions set forth in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

Dated: March 2, 1964.

By order of the Federal Maritime Commission.

THOMAS LISI,  
Secretary.

[F.R. Doc. 64-2161; Filed, Mar. 4, 1964;  
8:50 a.m.]

## FEDERAL POWER COMMISSION

[Docket No. RI64-632, etc.]

SKELLY OIL CO., ET AL.

### Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund<sup>1</sup>

FEBRUARY 27, 1964.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with

the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 15, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,  
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-632	Skelly Oil Co. (Operator), et al., P.O. Box 1650, Tulsa, Okla.	46	18	El Paso Natural Gas Co. (Gallegos Gallup Sand Unit, Blanco Field, San Juan County, N. Mex.) (San Juan Basin Area).	(Decrease (\$4,922)).	2-14-64	3-16-64	3-17-64	\$ 13.0508	\$ 12.0508	(7)
RI64-633	Nettie Armstrong, P.O. Box 412, Parkersburg, W. Va.	1	2	Cabot Corp. <sup>2</sup> (Sheridan District, Calhoun County, W. Va.).	\$189	1-28-64	2-28-64	2-29-64	12.0	\$ 10 13.824	-----

<sup>1</sup> The stated effective date is the first day after expiration of the required statutory notice.

<sup>2</sup> The suspension period is limited to one day.

<sup>3</sup> Pressure base is 15,025 psia.

<sup>4</sup> For gas produced from Gallup Formation only.

<sup>5</sup> Includes 1.0 cent per Mcf minimum guarantee for liquids.

<sup>7</sup> 14.0551 cents per Mcf rate suspended until June 4, 1964 in Docket No. RI64-508. Waiver granted to make substitute filing. 13.0508 cents per Mcf rate in effect subject to refund in Docket No. RI64-14.

<sup>8</sup> Buyer's resale rate to Hope Natural Gas Co. (Cabot's Rate Schedule No. 1) is in effect subject to refund in Docket No. RI64-308.

<sup>9</sup> Revenue-sharing rate increase.

<sup>10</sup> Pressure base is 15,325 psia.

Skelly Oil Company (Operator), et al. (Skelly), request an effective date of February 1, 1964, for their proposed decrease in rate, and Nettie Armstrong requests a retroactive effective date of April 4, 1961, for her proposed revenue-sharing rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in Section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings.

Nettie Armstrong's revenue-sharing rate increase falls below the ceiling for increased rates in West Virginia as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56), but should be suspended because it is based on the buyer's (Cabot Corporation) resale rate which is currently in effect subject to refund in Docket No. RI61-308.

Skelly has certain wells producing at a low pressure and, in a letter agreement with El Paso Natural Gas Company, has consented for a 1.0 cent per Mcf reduction in price and deletion of the contractually provided for 1.0 cent per Mcf minimum guarantee for liquids as consideration for a reduction in line pressure from 500 psig to 250 psig. Skelly's notice of change in rate proposes the decreased rate for the low pressure gas. The proposed rate (12.0508 cents per Mcf) is be-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

low the San Juan Basin area ceiling for increased rates. However, as the reduction in pressure will later be a compression cost to the buyer, such cost should be added to the proposed rate. The addition of this 1.0 cent per Mcf price adjustment to the proposed base rate of 12.0 cents per Mcf would cause the proposed rate to exceed the area ceiling of 13.0 cents per Mcf by the amount of the tax reimbursement (0.0508 cent) and should be suspended as hereinbefore ordered. However, since a rate decrease is involved, the suspension period may be shortened to one day from March 16, 1964, the date of expiration of the required statutory notice.

[F.R. Doc. 64-2131; Filed, Mar. 4, 1964;  
8:48 a.m.]

[Docket No. RP63-7]

### SOUTHERN NATURAL GAS CO. AND UNITED GAS PIPE LINE CO.

#### Order Instituting Proceeding, Designating Presiding Examiner and Fixing Date for Prehearing Conference

FEBRUARY 27, 1964.

On February 21, 1963, Southern Natural Gas Company (Southern) filed a formal complaint against United Gas Pipe Line Company (United) requesting

that the Commission recognize Southern's right to reduce the effective billing demand and the charges thereunder for transportation of gas by United for Southern, under United's Rate Schedule T-3. Such transportation is from Carthage Field, Texas to Perryville, Louisiana, pursuant to a contract between the two parties executed on May 7, 1951.

United filed an answer to the complaint on March 19, 1963, and Southern filed a reply thereto on April 3, 1963. Neither party to the dispute requested a hearing.<sup>1</sup>

Article VIII of the contract provided that the billing demand should be determined by the maximum daily volume of gas which Southern elected to deliver to United for transportation during the 12 months period ending with the last day of the billing month, up to a maximum of 55,000 Mcf per day. Southern contends that this contract provision affords it the option of reducing its billing demand

<sup>1</sup> However, United requested that all of its customers who would be adversely affected by a decision favorable to Southern be given an opportunity to participate in any hearing which might be ordered.

below 55,000 Mcf as quantities of gas available to Southern for transportation over United's facilities decline. Southern states that since April 18, 1962 it has tendered a maximum of 35,000 Mcf per day to United for transportation under the contract and hereafter expects to tender no more than that amount.

On the other hand, United contends that it intended to permanently dedicate and assign 55,460 Mcf (55,000 Mcf at 15.025 psia) of the transmission capacity of its line for the purpose of transporting the maximum daily quantity allegedly specified in the contract. Thus, the parties are in disagreement as to whether their transportation contract provides a billing demand which is subject to change (depending upon the amounts of gas Southern elects to tender to United for delivery) or provides a fixed billing demand.

United further contends that the billing demand of 55,460 Mcf fixed by its Rate Schedule T-3, filed as part of its conversion tariff in accordance with Section 154 of the Regulations Under the Natural Gas Act, is in accordance with the contract. On July 2, 1952, United filed its contract as a rate schedule<sup>2</sup> which became effective on July 23, 1952. On the following day, July 3, 1952, United filed all of its rate schedules (including Rate Schedule T-3), in tariff form, along with an accompanying statement complying with Section 154.85. That section requires that each contract filed as a rate schedule be supplemented by a statement specifying those provisions of the contract which remain in effect as a service agreement and those which are superseded by or in conflict with the tariff provisions. Article VIII was not listed as a retained provision of the contract in United's filing. The Commission suspended Rate Schedule T-3 and the accompanying statement until January 3, 1953, upon which date they became effective, subject to refund. The issues raised by such suspension were resolved in a settlement agreement, covering numerous other matters as well, which was approved by the Commission on November 2, 1954.<sup>3</sup> Southern was a party to this agreement. For the purpose of implementing the terms of the settlement, United filed a revised tariff (including a modified Rate Schedule T-3), which became effective on August 1, 1954. United contends that this modified schedule provides for a fixed billing demand of 55,460 Mcf, in accordance with the contract and that Southern has no right to reduce it. Southern disputes United's claim that the conversion tariff was in accordance with the contract and contends that this tariff unlawfully abrogated its contractual right to change the billing demand, in violation of the Mobile doctrine.<sup>4</sup>

United rejoins that in any event, Southern is now estopped from challeng-

ing the tariff provisions relating to billing demand because of its past acquiescence in the changes in Rate Schedule T-3 made by the tariff.<sup>5</sup> Southern denies that there is such an estoppel on the ground that it may properly raise any question which was not expressly decided in the settlement proceeding.

Upon analysis of the pleadings, the Commission has concluded that Southern's complaint raises additional issues not specifically adduced by the parties. The most important of these issues is whether the provision relating to billing demand contained in United's Rate Schedule T-3, if determined to be fixed, is just and reasonable under the provisions of the Natural Gas Act. We do not believe therefore, that this case can be properly and adequately decided solely upon the basis of the formal pleadings and are instituting proceedings herein.

Nevertheless, it appears premature at this time to schedule an evidentiary hearing, since the issues here are primarily matters of law or regulatory policy and there should be few, if any, disputed questions of fact. Accordingly, we shall provide for the convening of a prehearing conference in order to afford the parties an opportunity to stipulate all relevant facts and permit the fixing of dates for the submission of briefs on the issues presented to the Examiner. Should this prove to be impossible the Presiding Examiner may, at his discretion, set a date for a trial-type hearing on the relevant, material and genuinely disputed matters not stipulated by the parties and issue such further procedural orders as may be appropriate.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act and the regulations thereunder:

(1) That a proceeding be instituted as hereinafter ordered, for the purpose of resolving the following issues:

1. Whether the transportation contract between United and Southern provided a billing demand which was subject to change, depending upon the amounts of gas Southern elected to deliver to United up to 55,460 Mcf per day, or provided a fixed billing demand of 55,460 Mcf.

2. If it is determined that the contract provided a billing demand subject to change:

a. Whether United, in its conversion tariff, made a substantive change in the contract by providing a fixed billing demand and whether such a substantive change is within the intent and purpose of Section 154.85, and

b. Whether the tariff filed pursuant to the settlement changed the contract provision as to billing demand.

<sup>2</sup> There is some question as to whether United's tariff filed pursuant to the settlement agreement, effective Aug. 1, 1954, provides the same billing demand as that contained in the conversion tariff, effective January 3, 1953.

3. Whether United is free under the Mobile doctrine to seek a unilateral change in the transportation contract.

4. Whether Southern, by its past acquiescence and conduct with regard to the billing demand provision contained in United's Rate Schedule T-3, is now estopped from complaining of that provision.

5. If United's presently effective Rate Schedule T-3 specifies a fixed billing demand, whether that tariff provision is just and reasonable under the Natural Gas Act.

(2) That a prehearing conference be convened before a Presiding Examiner for the purpose of arriving at a stipulation of relevant and material facts, scheduling dates for the submission of briefs on the legal issues and considering such other matters as may be properly dealt with to aid in expediting the orderly conduct and disposition of the proceeding.

(3) That if all relevant and material facts are not stipulated the Presiding Examiner may, at his discretion, set a date for evidentiary hearing on the non-stipulated facts (including expert opinion thereon) and issue such further procedural orders as may be appropriate.

(4) That, following a stipulation of facts and/or an evidentiary hearing, if ordered, the parties submit briefs to the Presiding Examiner, and that he issue his decision on the matter in accordance with § 1.30 of the rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 15 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a proceeding be instituted under the procedures set forth above on the issues stated in paragraph (1) above.

(B) Presiding Examiner Ewing G. Simpson, or any other officer or officers of the Commission designated by the Chief Examiner for that purpose, shall preside at the prehearing conference and at any hearing which may be held on this matter, pursuant to the rules of practice and procedure.

(C) Pursuant to the provisions of § 1.18 of the rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10:00 a.m., e.d.t., on March 24, 1964, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission, as set forth above.

(D) Petitions to intervene and notices of intervention may be filed with the Federal Power Commission, Washington, D.C., in accordance with the Commission's rules of practice and procedure, §§ 1.18 and 1.37(f) (18 CFR 1.8, 1.37(f)), on or before March 13, 1964.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 64-2132; Filed, Mar. 4, 1964; 8:48 a.m.]

<sup>1</sup> Designated Rate Schedule 126-B.

<sup>2</sup> Opinion No. 277, Docket No. G-1142, et al., 13 FPC 398.

<sup>3</sup> United Gas Pipe Line Corporation v. Mobile Gas Service Corporation, 350 U.S. 332.

## SECURITIES AND EXCHANGE COMMISSION

[File No. 37-22]

### COLUMBIA GAS SYSTEM SERVICE CORP.

#### Notice of Request for Permanent Au- thorization of Modifications of Or- ganization and Conduct of Business of Subsidiary Service Company

FEBRUARY 28, 1964.

Notice is hereby given that Columbia Gas System Service Corporation ("Service Company") 120 East 41st Street, New York 17, New York, a wholly-owned subsidiary service company of The Columbia Gas System, Inc. ("Columbia Gas"), a registered holding company, has filed an amendment to its declaration pursuant to section 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 88 promulgated thereunder requesting that this Commission make permanent its temporary approval and authorization of certain modifications of the organization and conduct of business of Service Company contained in its order dated September 14, 1962 (Holding Company Act Release No. 14699).

Service Company renders professional and technical services at cost to all associate companies. Pursuant to the order of the Commission dated September 14, 1962, Service Company was authorized to transfer the 7 officers and their secretaries, then on the payroll of Columbia Gas, to the payroll of Service Company, and permitted Service Company to charge the costs of the system's managerial, executive and policy-making services performed by such officers and employees on a time-report basis to all associate companies benefiting from such services. In 1963, the total costs of these services amounted to \$669,035, of which amount Columbia Gas was billed \$190,678, or 28.5 percent, and operating subsidiary companies were billed \$478,357, or 71.5 percent. The costs of certain other services performed by Service Company, which are required in connection with the services performed by the transferred officers and which formerly had been charged entirely to Columbia Gas, are being charged on the basis of 75 percent to the operating companies and 25 percent to Columbia Gas, in accordance with the 1962 order. In 1963, the costs of these services aggregated \$255,491, of which amount \$63,873 was charged to Columbia Gas and \$191,618 was charged to the operating subsidiary companies. In addition, Columbia Gas will continue to bear other administrative and general expenses which amounted to \$1,248,151 in the same period.

The 1962 order also authorized Service Company to revise forthwith its methods of allocating the costs of certain specified services performed for groups of operating companies. Service Company estimates that these revisions resulted in reductions in service charges to 14 associate companies aggregating \$738,041 in 1963 and increases of the same total

amount in charges to 5 other associate companies.

Service Company represents that no consent or approval of any State or Federal commission, other than this Commission, is required in respect of the proposed transactions.

Service Company has agreed to the imposition of the following conditions in the Commission's order permitting the declaration, as amended, to become effective:

1. No change in the organization of Service Company, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or in the scope or character of services to be rendered, shall be made unless and until Service Company shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Service Company that a question exists as to whether the aforesaid proposed change is consistent with the provisions of Section 13 of the Act, or of any rule, regulation or order thereunder, the proposed change shall not become effective unless and until Service Company shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

2. In the event that the operation of Service Company's cost allocation method does not result in a fair and equitable allocation of its costs among the serviced associate companies, the Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

3. This order is not to be construed as a ruling that Service Company may not be required to effect such other changes in its organizations or operations as may become necessary in order to conform with the Act or the present or future rules, regulations or orders of the Commission. Jurisdiction is reserved to reconsider the servicing activities of Service Company at an appropriate future time, and, after notice and opportunity for hearing, by order to revoke, suspend, or modify the permission granted to Service Company to continue its operations and conduct of business.

Notice is further given that any interested person may, not later than March 19, 1964, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said amended declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon declarant, and proof of service (by

affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request.

At any time after said date, the declaration, as amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rule as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 64-2134; Filed, Mar. 4, 1964;  
8:48 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 949]

### MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 22805. By order of February 27, 1964, the Commission, Division 3 acting as an Appellate Division, granted petitions insofar as reconsideration and hearing were sought in the application to transfer to Arnold H. Zidell, Nathan Cohen, and Jack W. Olds, trustees, and Emery N. Zidell, Rose W. Zidell, Arnold H. Zidell, and Jack Rosenfeld, Co-Partners, doing business as Zidell Machinery & Supply Co., Portland, Oreg., of the operating authority set forth in the Second Amended Permit and Order entered November 29, 1950, in No. W-579 and No. W-579 (Sub-No. 1), issued to W. R. Osborn, doing business as Pacific Contracting Company, Portland, Oreg., as a contract carrier by water in interstate or foreign commerce, at Aberdeen, Wash., and Portland, Oreg., in furnishing for compensation (under charter, lease, or other agreement) non-self-propelled vessels to persons other than carriers subject to the Interstate Commerce Act, to be used by such persons for the transportation of their own property. The time and place of hearing to be hereafter fixed.

William B. Adams, Pacific Building, Portland 4, Oreg., attorney for transferor. Robert F. Maguire, 723 Pittock Block, Portland 5, Oreg., attorney for transferee.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-2142; Filed, Mar. 4, 1964; 8:48 a.m.]

[Notice No. 949-A]

**MOTOR CARRIER TRANSFER PROCEEDINGS**

MARCH 2, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 65716. By order of February 27, 1964, the Transfer Board approved the transfer to Floyd Mains, Garnett, Kans., of certificate in No. MC 59371, issued April 4, 1962, to Donald K. Couture, Garnett, Kans., authorizing the transportation of: Live poultry, eggs, wrecked automobiles, scrap iron, hay, and grain, over regular routes, from Garnett, Kans., to Kansas City, Mo., serving intermediate points on the routes specified and off-route points within 20 miles of Garnett, restricted to pick-up of hay and grain; and the off-route point of North Kansas City, Mo., restricted to delivery; agricultural implements, lumber, building material, petroleum products, in containers, feed, hardware, fertilizer, grain, tile, fencing, and roofing materials, iron and steel articles and steel tanks, over regular routes, from Kansas City, Mo., to Garnett, Kans., serving the off-route point of North Kansas City, Mo., restricted to pick-up; household goods and emigrant movables, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, points in Missouri; and livestock, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, Kansas City and North Kansas City, Mo., and Kansas City, Kans. Richard C. Byrd, First National Bank Building, Ottawa, Kans., attorney for transferee. Roy L. Cole, Garnett, Kans., attorney for transferor.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-2143; Filed, Mar. 4, 1964; 8:48 a.m.]

**ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS**

**Duties of Divisions and Boards**

MARCH 2, 1964.

The Interstate Commerce Commission has amended its Organization Minutes, being assignment of work, business and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991 and 12789; 27 F.R. 1234, 1747, 2500, 3830 and 9997; and 28 F.R. 198, 896 and 8185) in the following particulars, effective March 2, 1964:

Under the heading *Assignments to Boards*, paragraph (c) of Item 7.11 *Operating Rights Boards*, has been amended to read as follows:

(c) Operating Rights Review Boards Nos. 1, 2, and 3:

Determination of matters (including entry of an order staying the effective date of an order recommended by a hearing officer (other than a Commissioner), vacation of such stay order, and, where exceptions have been withdrawn, entry of an order making a recommended order effective) as referred to the boards for consideration and disposition in proceedings under the provisions of law set forth in Item 4.2 hereof, in cases or types of cases specified from time to time by the Chairman of Division 1, which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits. (See App. C for cases or types of cases specified by Chairman of Division 1.)

Under the heading *Rehearings and Further Proceedings*, the single reference in Item 8.4 to "Operating Rights Review Board" has been changed to "Operating Rights Review Boards." The item as thus amended reads as follows:

8.4 Division 1 is hereby designated as an appellate division to which applications or petitions for reconsideration or review, based on an allegation of error on the merits, in whole or in part, of any order, action, or requirement of the Temporary Authorities Board under paragraphs (a) and (b) of Item 7.4, of the Motor Carrier Boards under paragraphs (a), (b), and (c), of Item 7.8, and of the Operating Rights Boards and Operating Rights Review Boards under paragraphs (a), (b), and (c), of Item 7.11 shall be assigned or referred for disposition (except as otherwise provided in Item 7.4(a)), and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission. All other petitions seeking modification of any order, action, or requirement of any such Board, or supplementary authority in the proceeding, shall be determined by the Board, whose order, action, or requirement is sought to be modified.

In Appendix C, the order of Commissioner Hutchinson dated January 2, 1963, has been deleted and the order of Com-

missioner Hutchinson dated February 27, 1964, set forth below, has been substituted.

[SEAL] HAROLD D. McCoy,  
Secretary.

APPENDIX C

SPECIFICATIONS OF TYPES OF CASES IN RESPECT OF WHICH DETERMINATIONS MAY BE MADE BY THE OPERATING RIGHTS REVIEW BOARDS

Present: Everett Hutchinson, Commissioner, to whom the matters which are the subject of this order have been assigned for action thereon.

*It appearing*, That Item 7.11(c) of the Organization Minutes of the Commission (26 F.R. 4773, 10991; 27 F.R. 3830; 28 F.R. 198; 29 F.R. —) delegates to the Operating Rights Review Boards Nos. 1, 2, and 3 authority to determine matters in proceedings submitted for decision (other than those assigned to Operating Rights Boards Nos. 1 and 2 under Section 7.11 (a) and (b) of the Organization Minutes) under the provisions of law set forth in Item 4.2 thereof in cases or classes of cases specified from time to time by the Chairman of Division 1 of the Commission, which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits:

*It is ordered*, That the following types and categories of cases, limited to those which have involved the taking of testimony at a public hearing or the submission of evidence by the parties in the form of affidavits, be, and they are hereby, specified in respect of which determinations may be made by the said Operating Rights Review Boards:

Proceedings arising under the provisions of law set forth in Item 4.2 of the said Organization Minutes, other than:

Those proceedings in which a Commissioner or a member of the Board has presided at the hearing or has issued a report and recommended order.

Those proceedings which, after due consideration are found to be susceptible to disposition without the issuance of an explanatory report.

Those proceedings orally argued before Division 1.

Those proceedings which are considered to be the relatively more important cases, including those which appear to involve issues of general transportation importance.

*Provided, however*, That the aforesaid general specifications shall be effective only in respect to cases of the classes named which are submitted for decision on and after the effective date of this order; *And provided further*, That such specifications, to the extent administered by the Bureau of Operating Rights, shall be applied and construed under the direction and supervision of the Chairman of Division 1.

*It is further ordered*, That this order vacates and supersedes the order entered herein on January 2, 1963, as of the effective date hereof.

*And it is further ordered*, That this order shall be effective on March 2, 1964.

Dated at Washington, D.C., this 27th day of February A.D. 1964.

By the Commission, Commissioner Hutchinson.

[SEAL] HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 64-2144; Filed, Mar. 4, 1964; 8:49 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MARCH

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## Volume 76

UNITED STATES  
STATUTES AT LARGE

[87th Cong., 2d Sess.]

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1934  
OF THE UNITED STATES

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Washington, Thursday, March 5, 1964

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Guide to  
Record Retention Requirements  
(Title 1, Appendix A)

Revised as of January 1, 1964

**GUIDE TO RECORD RETENTION REQUIREMENTS**

(1 CFR, Appendix A)

REVISION AS OF JANUARY 1, 1964

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide is derived from the laws published in the United States Code, as amended by laws enacted during 1963, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1963.

*Coverage*

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose. The nature of these boundaries is outlined below.

As indicated by its name, the Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted.

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contracts are incorporated in the Code of Federal Regulations.

*Arrangement*

The digests of record-keeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing.

In general, the items retain their original numbers from year to year. Re-numbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Civil Aeronautics Board relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

**NOTICE**

*The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1964.*

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**I. DEPARTMENT OF AGRICULTURE**

**1. Foreign Agricultural Service**

**1.1 Persons importing certain dairy commodities.**

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.27

**1.2 Distributing agencies receiving donations of food commodities for use in the assistance of needy persons and in nonprofit school lunch programs outside the United States of America. [Added]**

Maintain records and documents which will accurately reflect all transactions pertaining to the receipt, storage, and distribution of commodities including records of the receipt of commodities in U.S., their exportation, receipt in foreign countries, and distribution to recipient agencies and recipients; and records of receipt and disbursement of funds that arose from the operation of the distribution program and school lunch programs.

Retention period: 3 years from the close of the U.S. Federal fiscal year to which they pertain. Records may be disposed of before the end of 3 years with the prior approval of AID/W and the Department. 7 CFR 1501.6

**1.3 Exporters participating in the Rice Export Program. [Amended]**

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 2 years after date of export. 7 CFR 1481.138

**1.4 Cotton products and cotton exporters and affiliates and subsidiaries participating in the cotton export program. [Amended]**

To keep books, records, accounts, and other documents and papers pertinent to any transaction under the program.

Retention period: At least 3 years after the date of last payment under any sales registration. 7 CFR 1482.364, 1482.414, 1482.513, 1482.613

**1.5 Feed grain exporters participating in the Feed Grain Export Program. [Amended]**

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 2 years after date of export. 7 CFR 1484.138

**1.6. Exporters participating in the sale of nonfat dry milk. [Revised]**

To maintain accurate records showing all commodities exported or to be exported in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1485.129, 1485.229

- 1.7 Private organizations or individuals which enter the private trade agreements pursuant to Title IV of Public Law 480. [Added]

Maintain books and records as well as pertinent documents, correspondence, and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

- 1.8 Suppliers who sell agricultural commodities under a Title IV credit purchase authorization (including ocean transportation). [Added]

Maintain pertinent books, documents, papers, and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

## 2. Agricultural Marketing Service

### MARKETING ORDER PROGRAM FOR FRUITS AND VEGETABLES UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED

#### 2.1 Orange and grapefruit handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 906.51

#### 2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

#### 2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted to the Florida Lime Administrative Committee.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

#### 2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

#### 2.5 Peach handlers.

To maintain records of peaches received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 921.60

#### 2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

#### 2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60

#### 2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

#### 2.9 Potato handlers. [Amended]

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 948.80, 949.75, 950.80

#### 2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.60

#### 2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

#### 2.12 Carrot handlers.

To maintain records of carrots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 970.80

#### 2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

#### 2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, surplus disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

#### 2.15 Almond handlers.

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71 (retention: 981.70)

#### 2.16 Filbert handlers.

To keep records of all filberts received, held, and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

#### 2.17 Walnut handlers. [Amended]

To keep records of shelled and unshelled walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

#### 2.18 Date handlers.

To maintain records of the handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68

#### 2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.176

#### 2.20 Grapes for crushing handlers.

To maintain records of all grapes used, whether fresh or dried, and items set aside as prescribed by the grape crush administrative committee.

Retention period: Not less than 5 years after termination of crop year or for such lesser period as the committee may direct. 7 CFR 990.66

#### 2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.175

#### 2.21a Cranberry handlers. [Added]

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

### SHIPPERS HANDLING EXEMPTED FRUITS AND VEGETABLES

#### 2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments. Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes, and potatoes.)) 7 CFR 926.122, 927.125, 953.104)

### PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (FRUITS AND VEGETABLES)

#### 2.23 Commission merchants, dealers, and brokers. [Revised]

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17-46.19, 46.21-46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

### SCHOOL LUNCH, SPECIAL MILK, PILOT FOOD STAMP PROGRAM, AND DIRECT DISTRIBUTION PROGRAMS

**2.24 Cooperating State agencies and participating public and private schools.**

To maintain records as specified in the regulations of the National School Lunch Program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 210.8, 210.13

**2.25 Cooperating State agencies, participating public and private schools, and institutions. [Amended]**

To maintain records as specified in the regulations of the Special Milk Program. Retention period: 3 years after the end of each Federal fiscal year's operations. 7 CFR 215.7, 215.11

**2.26 Distributing, sub-distributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, and in assistance of other needy persons. [Revised]**

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt and disbursement of funds arising from operation of the distributing program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 6 CFR 503.6, 503.8

**2.27 Certifying and issuing agencies.**

To maintain records relating to operation of the Pilot Food Stamp Program. Retention period: 3 years from the close of the fiscal year to which the records pertain. 6 CFR 540.14

**POULTRY AND POULTRY PRODUCTS**

**INSPECTION PROGRAMS**

**2.28 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.**

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 7 CFR 81.152

**INSPECTION OF DAIRY PRODUCTS**

**2.29 Dairy products manufacturers, processors, and packagers operating approved plants under Department of Agriculture inspection.**

To maintain records of quality tests of producers of raw milk and of producers, sellers, and shippers of raw cream; and plant and laboratory tests and analyses of raw materials and finished products.

Retention period: 1 year. 7 CFR 58.143, 58.144, 58.169

**PACKERS AND STOCKYARDS ACT, 1921**

Regulations pertaining to interstate and foreign commerce in livestock and poultry as follows:

**2.30 Stockyard owners, market agencies, and licensees under Packers and Stockyards Act regulations.**

To keep open for public inspection (and post in the case of licensees) duplicate copies of all schedules of rates and charges and rules or regulations and amendments or supplements thereto.

Retention period: Not specified; however, required to post and keep open for inspection currently effective schedules only. 9 CFR 201.22

**2.30a Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis. [Added]**

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years.<sup>1</sup> 9 CFR 201.42 (retention: 201.50)

**2.31 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis. [Amended]**

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years.<sup>1</sup> 9 CFR 201.45 (retention: 201.50)

**2.32 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry. [Amended]**

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years.<sup>1</sup> 9 CFR 201.46 (retention: 201.50)

**2.33 Sellers of live poultry under Packers and Stockyards Act regulations. [Amended]**

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years.<sup>1</sup> 9 CFR 201.48 (retention: 201.50)

**2.34 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations. [Amended]**

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable

<sup>1</sup>Records shall not be destroyed or disposed of without the consent in writing of the Director, Packers and Stockyards Division, AMS, Department of Agriculture. 9 CFR 201.50

abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years.<sup>1</sup> 9 CFR 201.49 (retention: 201.50)

**2.35 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.**

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the District Supervisor of the Service).

Retention period: Not specified.<sup>1</sup> 9 CFR 201.74

**2.36 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.**

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.<sup>1</sup> 9 CFR 201.89

**2.37 Packers subject to the provisions of the Packers and Stockyards Act.**

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared

by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

#### WAREHOUSE ACT OF 1916, AS AMENDED

Regulations pertaining to warehousing agricultural products as follows:

#### 2.38 Licensed warehousemen.

To keep copies of all receipts issued.

Retention period: Not specified. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 110.17, 111.18, 112.17, 113.17

#### 2.39 Licensed warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 110.29, 111.33, 112.29, 113.29

#### 2.40 Licensed warehousemen.

To keep a copy of his current rules and schedule of charges exposed conspicuously in a place accessible to the public.

Retention period: Required to expose current copy only. 7 CFR 101.29, 102.35, 103.29, 104.31, 105.30, 106.31, 107.32, 108.30, 110.30, 111.34, 112.30, 113.30

#### 2.41 Licensed warehousemen.

Shall use for his licensed warehouse a system of accounts approved for the purpose by the Service, and maintain such records as are specified.

Retention period: Not specified. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 110.34, 111.41, 112.34, 113.36

#### 2.42 Licensed warehousemen.

Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: As may be prescribed by the Department or Service. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 110.36, 111.44, 112.36, 113.38

#### 2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year from date of issuance and thereafter until receipts based upon such certificates have been surrendered and canceled. 7 CFR 101.47

#### 2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: Not specified. 7 CFR 101.49

#### 2.45 Licensed classifiers, inspectors, graders, and weighers of agricultural commodities.

To keep copies of certificates issued by them.

Retention period: 1 year. 7 CFR 101.61, 102.69, 104.57, 105.59, 106.66, 107.68, 108.59, 110.61, 111.70, 112.59, 113.65

#### 2.46 Licensed warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: Not specified. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56, 112.49, 113.52

#### 2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: Not specified. 7 CFR 102.30

#### 2.48 Licensed warehousemen.

To keep inquiries received in writing advising of interest in deteriorating commodities stored in warehouse.

Retention period: Not specified. 7 CFR 102.54, 103.39, 107.51, 108.42, 110.46, 111.52, 112.43, 113.47

#### FEDERAL SEED ACT

Regulations pertaining to growers, shippers, and procurers of seeds as follows:

#### 2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations. [Amended]

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.4-201.7

#### 2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations they have issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

#### 2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

#### 2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

#### REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE COTTON ACTS

#### 2.53 [Deleted]

#### 2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

#### 2.55 [Deleted]

#### NAVAL STORES ACT OF 1923, AS AMENDED

#### 2.56 Accredited turpentine and rosin processors for naval stores. [Amended]

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

#### DIVERSION PROGRAMS

#### 2.57 Growers and growers' representatives participating in the cranberry payment program. [Added]

To keep records and accounts involving any application or claim for payment, including records pertaining to the weights of all cranberries, and all computations made in determining the screened equivalent of unscreened berries.

Retention period: 3 years. 6 CFR 517.485

#### 2.58 Diverters participating in fresh Irish potatoes-livestock feed diversion program. [Added]

To keep records and accounts showing the details relative to the diversion and disposition of such potatoes.

Retention period: 2 years after date of last payment. 6 CFR 519.217 (1961), 519.238 (1962), 519.259 (1963)

#### 2.59 Diverters participating in cotton and cotton byproducts diversion program. [Added]

To keep records and accounts with respect to cotton and cotton byproducts diverted under this program.

Retention period: 3 years after final payment. 6 CFR 535.14 (1962-63), 535.34 (1963-64)

### 3. Agricultural Research Service

#### 3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products; and of the sale, shipment, or other disposition of the products.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inspection and Quarantine Division. 9 CFR 116.1 (retention: 116.3)

**3.2 Licensees preparing anti-hog-cholera serum and hog-cholera virus.**

To keep records pertaining to virus production, serum preparation, and to pigs used to produce virus.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Director, Animal Inspection and Quarantine Division. 9 CFR 116.2 (retention: 116.3)

**3.3 Handlers of anti-hog-cholera serum or hog-cholera virus.**

To keep records pertaining to the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus.

Retention period: 2 years. 9 CFR 131.49

**3.4 Operators of approved feed lots.**

To keep records of vaccination and disposition of all animals.

Retention period: 1 year. 9 CFR 120.9

**3.5 Operators of approved feed lots.**

To keep an inventory of animals showing the daily admission to and removal from the premises.

Retention period: 1 year. 9 CFR 120.9

**4. Agricultural Stabilization and Conservation Service****4.1 Persons eligible for agricultural conservation payments.**

To keep receipts or invoices of purchases, transportation, and analysis of materials; and records of seed collections and production, labor and equipment expenses, or other services performed or expenditures made as evidence of costs in carrying out conservation practices, including any pH determinations issued by the Extension Service or any other qualified agency.

Retention period: 2 years following the close of the applicable program year. 7 CFR 702.841—705.1080 containing numerous references to record requirements (retention: 7 CFR 708.1)

**4.2 Producers of gum naval stores from turpentine trees. [Amended]**

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 1962—7 CFR 706.6; 1963—7 CFR 706.106; 1964—7 CFR 706.206 (retention: 7 CFR 708.1)

**MARKETING QUOTAS FOR COTTON, WHEAT, TOBACCO, PEANUTS, AND RICE****4.3 Ginners of upland cotton.**

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale; and (h) kind of bagging used on each bale if other than jute.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.36 (retention: 722.40)

**4.4 Buyers and transferees of upland cotton.**

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; (e) amount of penalties to be collected, if any; and (f) serial number of the marketing card or certificate or brief description of the loan document by which the cotton was identified when marketed.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.37, 722.38 (retention: 722.40)

**4.5 Buyers and transferees of upland cotton not identified by marketing cards, marketing certificates, or loan documents.**

To keep copy of report showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or not less than a bale; and (e) amount of penalty collected, if any.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.37, 722.38 (retention: 722.40)

**4.6 Buyers and transferees of upland cotton identified by marketing certificates.**

To keep copy of report of transactions (Form MQ-91—Cotton (Upland)).

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.37, 722.38 (retention: 722.40)

**4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling upland cotton from, for, or on behalf of the producer.**

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.39 (retention: 722.40)

**4.8 Producers of upland cotton marketed to persons not within the United States.**

To keep copy of certificate showing name and address of buyer or transferee.

Retention period: 2 1958 and succeeding crops—until December 31 of second

2 For such longer period of time as may be requested in writing by the State Executive Director or the Director.

year following year in which cotton is planted. 7 CFR 722.42

**4.9 Ginners of extra long staple cotton.**

To keep for each bale or lot less than a bale records showing (a) date of ginning; (b) name of the operator of the farm on which produced; (c) name of the producer; (d) county and State in which produced; (e) gin bale number or mark; (f) serial number of the gin ticket or receipt; (g) gross weight of each bale and net weight of each lot less than a bale; and (h) kind of bagging used if other than jute.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.136 (retention: 722.140)

**4.10 Buyers and transferees of extra long staple cotton.**

To keep for each bale or lot less than a bale records showing (a) name and address of producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing origin and weight of cotton; (d) number of pounds in each bale and lot purchased; and (e) penalties to be collected, if any.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.137, 722.138 (retention: 722.140)

**4.11 Buyers and transferees of extra long staple cotton not identified by marketing cards, marketing certificates, or loan documents.**

To keep copy of report showing (a) name and address of the producer from whom purchased; (b) date purchased; (c) original gin bale number or other information showing original source of the cotton; (d) net weight of each bale or lot less than a bale; and (e) amount of penalty collected, if any.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.137, 722.138 (retention: 722.140)

**4.12 Buyers and transferees of extra long staple cotton identified by marketing certificates.**

To keep copy of report of transaction (Form MQ-91—Cotton (ELS)).

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.137, 722.138 (retention: 722.140)

**4.13 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling extra long staple cotton from, for, or on behalf of the producer.**

To keep records concerning such cotton, so that the accuracy of any reports or other records that may be required can be checked.

Retention period: 2 1958 and succeeding crops—until December 31 of second year following year in which cotton is

planted. 7 CFR 722.139 (retention: 722.140)

**4.14 Producers of extra long staple cotton marketed to persons not within the United States.**

To keep copy of certificate showing name and address of buyer or transferee.

Retention period: \* 1958 and succeeding crops—until December 31 of second year following year in which cotton is planted. 7 CFR 722.142

**4.15 Producers and producer-manufacturers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations. [Amended]**

To keep copies of specified reports on production and disposition of tobacco.

Retention period: \* 1961-62 marketing year—until September 30, 1964, 7 CFR 723.1252, 723.1260; 1962-63 marketing year—until September 30, 1965, 7 CFR 723.1352, 723.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.98, 724.109

**4.16 Buyers of cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco under marketing quota regulations. [Amended]**

To keep records with respect to each sale of tobacco made by producer to buyer, and to furnish the name of the farm operator and the amount of each grade of tobacco obtained from the grading of tobacco from each farm; also to record other specified information and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period: \* 1961-62 marketing year—until September 30, 1964, 7 CFR 723.1253, 723.1260; 1962-63 marketing year—until September 30, 1965, 7 CFR 723.1353, 723.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.103, 724.109

**4.17 Truckers and persons engaged in sorting, stemming, packing, or otherwise processing cigar-filler tobacco, cigar-filler and binder tobacco, and cigar-binder tobacco. [Amended]**

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: \* 1961-62 marketing year—until September 30, 1964, 7 CFR 723.1256, 723.1260; 1962-63 marketing year—until September 30, 1965, 7 CFR 723.1356, 723.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.105, 724.109

**4.18 Producers of burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. [Amended]**

To keep copies of reports with respect to disposition of tobacco marketed and (a) number of acres harvested, (b) total production, (c) amount on hand and its

\* For such longer period of time as may be requested in writing by the State Executive Director or the Director.

location, and (d) for each lot marketed, name and address of person to or through whom marketed, gross price, number of pounds marketed, and date of marketing.

Retention period: \* 1961-62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1252, 725.1260; 1962-63 marketing year—until June 30, 1965, for flue-cured tobacco and until September 30, 1965, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1352, 725.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.98, 724.109

**4.19 Warehousemen handling burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. [Amended]**

To keep records that will permit furnishing detailed information of all transactions.

Retention period: \* 1961-62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1253, 725.1260; 1962-63 marketing year—until June 30, 1965, for flue-cured tobacco and until September 30, 1965, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1353, 725.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.99, 724.109

**4.20 Dealers handling burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. [Amended]**

To keep records that will permit furnishing detailed information of all transactions.

Retention period: \* 1961-62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1254, 725.1260; 1962-63 marketing year—until June 30, 1965, for flue-cured tobacco and until September 30, 1965, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1354, 725.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.101, 724.109

**4.21 Truckers and persons redrying, prizing, or stemming burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco. [Amended]**

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: \* 1961-62 marketing year—until June 30, 1964, for flue-cured tobacco and until September 30, 1964, for burley, fire-cured, dark air-cured, and Virginia sun-cured tobacco, 7 CFR 725.1256, 725.1260; 1962-63 marketing year—until June 30, 1965, for flue-cured tobacco and until September 30, 1965, for burley, fire-cured, dark air-cured, and

Virginia sun-cured tobacco, 7 CFR 725.1356, 725.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.105, 724.109

**4.22 Producers of Maryland tobacco. [Amended]**

To keep copies of reports with respect to acreage, production, and disposition of tobacco produced showing (a) number of fields and acres harvested, (b) total pounds produced, (c) amount on hand and its location, and (d) for each lot marketed, name and address of person through whom marketed, number of pounds marketed, gross price, and date of marketing.

Retention period: \* 1961-62 marketing year—until September 30, 1964, 7 CFR 727.1252, 727.1260; 1962-63 marketing year—until September 30, 1965, 7 CFR 727.1352, 727.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.98, 724.109

**4.23 Warehousemen handling Maryland tobacco. [Amended]**

To keep records that will permit furnishing detailed information on all transactions.

Retention period: \* 1961-62 marketing year—until September 30, 1964, 7 CFR 727.1253, 727.1260; 1962-63 marketing year—until September 30, 1965, 7 CFR 727.1353, 727.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.100, 724.109

**4.24 Dealers handling Maryland tobacco. [Amended]**

To keep complete and detailed records showing all purchases and resales of tobacco made by or for the dealer, and resales of tobacco bought from crops produced prior to 1958 (for 1958-59 marketing year); and to keep copies of required reports.

Retention period: \* 1961-62 marketing year—until September 30, 1964, 7 CFR 727.1254, 727.1260; 1962-63 marketing year—until September 30, 1965, 7 CFR 727.1353, 727.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.101, 724.109

**4.25 Truckers and persons redrying, prizing, or stemming Maryland tobacco. [Amended]**

To keep complete and detailed records containing specified information concerning each lot of tobacco received, and copies of required reports.

Retention period: \* 1961-62 marketing year—until September 30, 1964, 7 CFR 727.1256, 727.1260; 1962-63 marketing year—until September 30, 1965, 7 CFR 727.1356, 727.1360; 1963-64 and succeeding marketing years—2 years after end of marketing year, 7 CFR 724.105, 724.109

**4.26 Handlers of shade-grown cigar-leaf tobacco. [Amended]**

To keep books and records showing details of handling of the tobacco including grower's name and address, handling certificate, priming number, date of receipt, etc.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

**4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.**

To keep records of wheat transactions (as specified in the regulations).

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends and indefinite. 7 CFR 728.1173, 728.1174, 728.1177

**4.28 Peanut producers.**

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: 3 years following end of pertinent marketing year. 7 CFR 729.1056, 729.1062, 729.1466, 729.1480

**4.29 Peanut buyers.**

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: 3 years following end of pertinent marketing year. 7 CFR 729.1057, 729.1062, 729.1470, 729.1480

**4.30 Peanut shellers.**

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: 3 years following end of pertinent marketing year. 7 CFR 729.1058, 729.1062, 729.1475, 729.1480

**4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.**

To keep records of rice transactions as prescribed.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.984, 730.985, 730.988

**IMPORT QUOTAS AND FAIR WAGE RATES UNDER THE SUGAR ACT**

**4.32 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.**

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed information for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

**4.33 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.**

To keep records of processings, receipts, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

<sup>2</sup> For such longer period of time as may be requested in writing by the State Executive Director or the Director.

**4.34 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).**

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallanages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

**4.35 Importers of non-quota purchase sugar imports.**

To keep an accurate record of the receipt, processing, and movement of sugar and liquid sugar.

Retention: 2 years following the end of the calendar year in which the sugar was imported into the United States. 7 CFR 819.10

**4.36 Employers of Virgin Islands apprentice operators of mechanical loaders and tractors in the sugar industry.**

To keep a copy of the certificate of learner or apprentice issued by the St. Croix Municipal Wage Commissioner.

Retention period: Not specified. 7 CFR Part 868

**4.37 Employers of Virgin Islands handicapped workers in the sugar industry.**

To keep a copy of the certificate of individual worker impairment issued by the St. Croix Municipal Council Wage Commissioner.

Retention period: Not specified. 7 CFR Part 868

**REGULATIONS FOR THE MARKETING ORDER PROGRAM FOR DAIRY PRODUCTS UNDER THE AGRICULTURAL MARKETING ACT OF 1937, AS AMENDED**

**4.38 Milk handlers.**

To keep detailed and summary accounts, books, and records with respect to (a) the receipts and utilization of all milk, skim milk, and butterfat handled, including all milk products received and disposed of in the same form; (b) the weights and butterfat content of all milk and milk products handled; and (c) payments to producers and cooperative associations of producers and such other information as the market administrator may require.

Retention period: 3 years, to begin at the end of the calendar month to which such accounts and records pertain, or for a longer period if notified by the Market Administrator. 7 CFR Parts 1001-1159. (See specific milk marketing area.)

**5. Commodity Credit Corporation**

**5.1 Cooperative marketing associations of producers participating in the Rice Loan and Purchase programs. [Amended]**

To maintain records of the total quantity of rough rice acquired by or delivered

to the association from all sources, the quantity of eligible rice delivered by eligible producer members, and separate records of both eligible and ineligible rice.

Retention period: 1958 crop—at least until May 1, 1964, 6 CFR 421.3337; 1959 crop—at least until May 1, 1965, 6 CFR 421.4337; 1960 crop—at least until May 1, 1966, 6 CFR 421.5338; 1961 crop—at least until May 1, 1967, 6 CFR 421.438; 1962 crop—at least until May 1, 1968, 6 CFR 421.1503; 1963 crop—at least until May 1, 1969, 7 CFR 1421.2703

**5.2 Cottonseed crushers participating in the Cottonseed Price Support program. [Amended]**

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 6 CFR 443.1769 (1961), 443.1869 (1962); 7 CFR 1443.1979 (1963)

**5.3 Cooperative associations of producers participating in the Tung Nut Price Support program. [Amended]**

To maintain detailed records as specified pertaining to quantities of tung nuts and tung nut oil obtained and processed.

Retention period: 1961 crop—until July 1, 1964, 6 CFR 443.204; 1962 crop—until July 1, 1965, 6 CFR 443.304; 1963 and succeeding crop years—3 years after December 31 of the crop year to which they pertain, 7 CFR 1443.333

**5.4 Peanut shellers participating in the Peanut Price Support program. [Amended]**

To keep accounts with respect to the production and purchase of No. 2 peanuts and farmers stock peanuts from which No. 2 peanuts were produced, including types, grades, and quantity, names and addresses of producers, and date and place received.

Retention period: 3 years after the last No. 2 peanuts are delivered to CCC. 6 CFR 446.1345 (1961), 446.1449 (1962); 7 CFR 1446.1548 (1963)

**5.5 Mohair producers participating in the Payment Program for Mohair, and their marketing agencies. [Amended]**

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.163, 1468.227

**5.6 Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies. [Amended]**

To maintain books, records, and accounts showing: purchases of lambs on and after April 1, 1956, and marketing of wool or lambs on which application is based.

Retention period: 3 years. 7 CFR 1472.1058, 1472.1158

5.7 Lamb and yearling producers participating in the Payment Program for Lambs and Yearlings (Pulled Wool), and persons furnishing evidence to an applicant to enable him to receive payment under the program. [Amended]

To maintain books, records, and accounts showing purchases of unshorn lambs on or after April 1, 1956, and marketing of unshorn lambs on which application for payment is based.

Retention period: 3 years. 7 CFR 1472.1058, 1472.1158

5.8 Dealers selling designated surplus feed grains or approved mixed feed to farmers under the Emergency Feed Program. [Amended]

To maintain books and records which will permit verification of all transactions with regard to farmer's purchase orders and dealer's certificates.

Retention period: At least 3 full years following exchange of the purchase order for dealer's certificate (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.161

5.9 Handlers and warehousemen performing transactions with regard to delivery orders under the Livestock Feed Program. [Amended]

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 [Transferred to 1.3]

5.11 Exporters participating in the Commodity Credit Corporation's wheat and wheat flour export payment programs under the International Wheat Agreement. [Amended]

To keep accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with the programs.

Retention period: 2 years after date of export. 7 CFR 1483.177, 1483.277

5.12 [Transferred to 1.4]

5.13 [Transferred to 1.5]

5.14 [Transferred to 1.6]

## 6. Commodity Exchange Authority

6.1 Futures commission merchants depositing customers' monies in a bank or trust company.

Must secure a written waiver agreement from such bank or trust company and keep as a record an executed copy of this agreement.

Retention period: 5 years from date of closing of such bank account.\* 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants investing customers' money or loaning customers' money on the security of negotiable warehouse receipts.

To deposit such obligations, securities and warehouse receipts in safekeeping with a bank, trust company or clearing organization, or clearing member of a

contract market and keep an executed copy of agreement with bank, trust company, clearing organization, or a clearing member of a contract market as specified in the section cited.

Retention period: 5 years after termination of agreement.\* 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants.

To keep the following records re obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, date disposition made and amount received therefor, name of person to or through whom sold; and the following records re warehouse receipts, date loan made, name of person to whom funds loaned, amount loaned, description of warehouse receipts, date, and particulars of any changes or substitutions, date on which loan repaid.

Retention period: 5 years after investment liquidated or loan paid.\* 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.\* 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future.

Retention period: 5 years.\* 17 CFR 1.33 (retention: 1.31)

6.6 Futures commission merchants.

To keep copy of confirmation of the execution of any trade originated by controller of accounts.

Retention period: 5 years.\* 17 CFR 1.33a (retention: 1.31)

6.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.\* 17 CFR 1.34 (retention: 1.31)

6.8 [Deleted]

6.9 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

\* After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined.

Retention period: 5 years.\* 17 CFR 1.35 (retention: 1.31)

6.10 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) A financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or other person executing each transaction and the opposite clearing member with whom it was made).

Retention period: 5 years.\* 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, date received and returned or otherwise disposed of.

Retention period: 5 years from date of return of property.\* 17 CFR 1.36 (retention: 1.31)

6.12 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.\* 17 CFR 1.37 (retention: 1.31)

6.13 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.\* 17 CFR 1.39 (retention: 1.31)

6.14 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.\* 17 CFR 1.44 (retention: 1.31)

6.15 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of such position and all trans-

actions related thereto; the name and address of each person whose commodity futures account is controlled by the reporting trader, and of each person who controls, or has a financial interest in, or guarantees the account of the reporting trader; if the reporting trader is a partnership, the name and address of each partner; if a corporation, the names and addresses of the person or persons who direct trading activities, and the name and address of the parent corporation and subsidiaries or affiliates.

Retention period: 5 years.<sup>2</sup> 17 CFR 18.04, 18.05 (retention: 1.31)

## 7. Farmers Home Administration

### 7.1 Borrowers operating under farm and home annual plans.

To maintain records of income, expenses, and operations.

Retention period: Until summarized and reflected in the Agency's official records. 6 CFR 302.3

### 7.2 [Deleted]

## 8. Federal Crop Insurance Corporation

### 8.1 Insured under Federal Crop Insurance Corporation.

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, citrus, combined crops, corn, cotton, flax, grain sorghum, oats, peanuts, potatoes, canning and freezing peas, dry peas, rice, rye, safflower, soybeans, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.11, sec. 19

## II. DEPARTMENT OF COMMERCE

### 1. Area Redevelopment Administration

#### 1.1 Recipients of loans and grants.

To keep and preserve records for financial assistance so long as any sum shall be due and unpaid to the Government on account of any loan under sections 6, 7, 8, Public Law 87-27, May 1, 1961, full written records, accurately disclosing the amount and the disposition by such recipient of the proceeds of any such assistance, together with other funds applied to such project, all as shall specifically identify a compliance with the requirements of the Act and the terms upon which such financial assistance has been made.

Retention period: Until final payment has been made to the Government or at least 2 years following the completion of all work on the project, whichever is longer. 13 CFR 304.8

#### 1.2 Application of grant funds.

To keep detailed records reflecting work progress, expenditures and commitments, and to indicate the relationship to estimated costs and schedules.

Retention period: For and during the full time of construction being carried

out pursuant to any grant. 13 CFR 304.33

## 2. Business and Defense Services Administration

### 2.1 Persons in the United States participating in transactions covered by BDSA Regulation 3.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of BDSA Regulation 3 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, BDSA Reg. 3, sec. 7 (a)

### 2.2 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959. [Amended]

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 14

### 2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA (formerly NPA) Regulation 2 and BDSA (formerly NPA) Orders M-1A, M-5A, and M-43A. [Amended]

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Reg. 2—Basic Rules of the Priorities System; BDSA Order M-1A—Iron and Steel; BDSA Order M-5A—Aluminum; BDSA Order M-43A—Construction Machinery: Distribution, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 2, sec. 24 (a); Order M-1A, sec. 19 (a); Order M-5A, sec. 15(a); Order M-43A, sec. 9(a)

### 2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Orders M-17 and M-41. [Amended]

To keep accurate and complete records of rated orders and directives received and monthly records of produc-

tion, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M-17—Electronic Components or Parts; BDSA Order M-41—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Order M-17, sec. 7(a); BDSA Order M-41, sec. 8(a)

### 2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.

To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of that regulation.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 6, sec. 8(a)

### 2.6 Persons participating in transactions covered by BDSA Order M-1B.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of Order M-1B (Nickel Alloys).

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-1B, sec. 13(a)

### 2.7 Producers and distributors of copper controlled materials, producers of intermediate shapes, and users of copper raw materials. (BDSA Order M-11A—Copper and Copper-base Alloys).

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials. Such records shall include, but shall not be limited to, all authorized controlled material orders, certified orders and directives received by such persons, and copies of all authorized controlled material orders, rated orders, and certified orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-11A, sec. 12(a)

## 3. [Consolidated with 4]

### 4. Bureau of International Commerce [Revised]

#### 4.1 Holders of U.S. Import Certificates selling or transferring commodities covered by such certificates.

To secure and retain a written acceptance by the purchaser or transferee of all obligations imposed under the export regulations of the United States.

Retention period: 3 years. 15 CFR 368.1

#### 4.2 Executors of Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To secure and retain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 3 years. 15 CFR 368.1

<sup>2</sup> See footnote on page 3038.

**4.3 Exporters of surplus agricultural commodities.**

To obtain and keep available for inspection, upon demand, by the Bureau of International Commerce, documents of acknowledgment from foreign purchasers and documents constituting evidence of the contract of purchase and sale.

Retention period: 3 years. 15 CFR 371.8 (retention: 381.11)

**4.4 Applicants for export licenses.**

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 372.4 (retention: 381.11)

**4.5 Applicants for export licenses.**

To keep the originals of any copies of documents submitted in support of applications.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 372.9 (retention: 381.11)

**4.6 Foreign importers of aircraft or vessel repair parts.**

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 3 years from the date the commodities are supplied to a vessel or aircraft. 15 CFR 373.3

**4.7 Exporter to a foreign distributor.**

To keep copies of validated or rejected Forms FC 143 and 243.

Retention period: 3 years from date of validation or rejection. 15 CFR 373.4 (retention: 381.11)

**4.8 Applicants for a Periodic Requirements License.**

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 376.3 (retention: 381.11)

**4.9 Applicants for a Time Limit License.**

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 377.3 (retention: 381.11)

**4.10 Forwarding agents receiving copies of commercial invoices not containing notice of prohibition against diversion.**

To keep record of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion,

or other termination of the transaction. 15 CFR 379.10 (retention: 381.11)

**4.11 Transferors and transferees of export licenses.**

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 380.1

**4.12 Exporters or agents.**

To keep records of export transactions, exports and reexports.

Retention period: 3 years from date of transaction. 15 CFR 381.11

**4.13 Foreign distributors.**

To keep records of distribution, sale, or reexportation from a foreign-based stock under the Form FC-243 Procedure.

Retention period: 3 years from date of distribution. 15 CFR 373.4 (retention: 381.11)

**4.14 Exchange of commodities by airlines.**

To keep records of commodities imported from the U.S. and lent, exchanged, or sold to another airline without profit.

Retention period: 3 years from the date of the transaction. 15 CFR 373.51

**4.15 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion.**

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 3 years. 15 CFR 379.10 (retention: 381.11)

**4.16 Exporters of certain kinds of technical data.**

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 379.10 (retention: 381.11)

**Foreign Trade Zones Board****4.17 Grantees of foreign trade zones.**

To keep books, records, and accounts in the form and manner prescribed in "Uniform System of Accounts, Records and Reports," approved February 6, 1939.

Retention period: Not specified. 15 CFR 400.1002a

**5. Maritime Administration****5.1 General agents (shipping companies) or their subcontractors and berth agents.**

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE-1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, AGE-1, sec. 2(b), General Agents service agreement, Art. 3(g)(1) and Art. 14; Berth Agents service agreement, Art. 3(e)(1) and Art. 14

**5.2 Agents entering into service agreements.**

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, FIS-1, sec. 1

**5.3 Agents entering into service agreements.**

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, FIS-1, secs. 9 and 12

**5.4 General agents.**

To prepare monthly invoices for compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE-4) and record in agency account books.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, FIS-2, sec. 3(a)(1) and sec. 5

**5.5 General agents.**

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS-1—Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, INS-1, sec. 7(b)

**5.6 General agents.**

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, OPR-1, sec. 2(e)

**5.7 Masters.**

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, OPR-1, sec. 3(d) and (e)

**5.8 General agents.**

To keep a copy of each Job Order, Supplemental Job Order or Workmalrep Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.\* 32A CFR Ch. XVIII, SRM-1, sec. 3(a)(1)

\*After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

**5.9 General agents.**

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit. 32A CFR Ch. XVIII, SRM-2, sec. 4; SRM-3, sec. 3(d); SRM-4, sec. 2; SRM-5, sec. 3(a) and sec. 19

**5.10 Charters of Government-owned dry-cargo vessels.**

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

**5.11 Operators of vessels newly constructed under Maritime Administration ship construction contracts, containing guarantee clauses.**

To keep records, including log extracts of all deficiencies, defects, weaknesses, etc., found in the ship while in the operator's custody and operation, and, if possible, the causes thereof; and maintain 12 complete sets of records of the items deemed to be the builder's responsibility, including the initial report of the deficiency, specifications, itemized costs, and completion certificates for all such work awarded during the guarantee period, and, if possible, the cause of the deficiencies and all related correspondence for use at the time of the Final Guarantee Survey.

Retention period: 3 years after date of the final guarantee survey. 46 CFR 247.4

**5.12 Operators of operating-differential subsidized vessels.**

To keep copy of Form MA-140, Summary report on voyage repairs.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the operator. 46 CFR 272.7

**5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.**

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the contractor. 46 CFR 282.00, 282.01, 292.3

**5.14 Operating-differential subsidy contractors.**

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: 2 years after final release or settlement agreement is com-

pleted between the Maritime Administration and the contractor. 46 CFR 282.364

**5.15 Contractors and subcontractors.**

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination and acceptance of payment by the Maritime Administration. 46 CFR 285.5

**5.16 Contractors and subcontractors.**

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

**5.17 Operators of operating-differential subsidy agreements and depositories.**

To keep certified copies of resolutions authorizing the establishment of Special and Capital Reserve Funds involved, and such other accounts established in connection therewith.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the operator. 46 CFR 286.2, 287.6

**5.18 Taxpayers establishing construction reserve funds.**

To keep such records as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.24

**5.19 Operators of operating-differential subsidy agreements.**

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the operator. 46 CFR 292.8

**5.20 Citizen applicants to purchase or charter a war-built vessel.**

To keep books, records, and accounts available for examination as deemed necessary by the Maritime Administration to verify financial statements submitted.

Retention period: Purchase—10 years after completion of contract requirements; charter—5 years after settlement of company charters by the Maritime Administration. 46 CFR 299.8

**5.21 Purchases of war-built vessels.**

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

**5.22 Charterers of war-built vessels.**

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

**5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.**

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130, 299.202

**5.24 Charterers of war-built vessels.**

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

**5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.**

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

**5.26 Those assured under war risk cargo insurance program.**

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

\* See footnote on page 3040.

### 5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

### 5.28 State marine academies.

To keep records pertaining to academies, officers, instructors, crew cadets, training ships and shore bases, and daily logs of absences, with or without leave, hospitalizations, disenrollments and other analogous data.

Retention period: Personnel records—60 years from date of enrollment; all other records—12 years after final audit. 46 CFR 310.3

### 5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

## 6. Bureau of Public Roads

### 6.1 State highway departments or their agents. [Amended]

To keep (a) all records and documents relating to the undertaking, carrying out and maintaining of each project in such form and manner as will enable the State to make available to the Federal Highway Administrator such information and data as he may require, and (b) financial and other records relating to the construction, acquisition, income, expenditures, maintenance, and operation of toll facilities financed in part with Federal funds.

Retention period: (a) not less than 3 years after payment of final voucher, and (b) at least 3 years after the facility has been operated on a free basis. 23 CFR 1.30

## 7. Under Secretary of Commerce for Transportation

### 7.1 Ship and aircraft owners, masters, officers, employees and agents participating in transportation. [Amended]

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of

orders T-1 (Shipping restrictions; Sub Group A, Hong Kong and Macao) and T-2 (Shipping restrictions; Communist China, North Korea, and the Communist-controlled area of Viet-Nam) have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T-1, sec. 6; T-2, sec. 5

## 8. Great Lakes Pilotage Administration

### 8.1 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the Great Lakes Pilotage Administration. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Administration. Part 403 issued under secs. 4 and 5, 74 Stat. 260, 261; 46 U.S.C. 216

## III. DEPARTMENT OF DEFENSE

### 1. Office of the Secretary of Defense (Departments of Army, Navy, Air Force)

#### 1.1 Contractors with negotiated fixed price supply contracts and purchase orders in excess of \$2,500.

A standard "Examination of Records" clause is provided. Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the contract. Must further agree to insert a similar clause in each subcontract under this type of prime contract. Where Standard Form 32 is used, the form need not be changed to delete the parenthetical sentence preceding paragraph (a) of the clause.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.104-15. ASPR 7-104.15

#### 1.2 Subcontractors with contracts or purchase orders in excess of \$2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed price supply contracts and purchase orders in excess of \$2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.104-15. ASPR 7-104.15

#### 1.3—1.13 [Deleted]

#### 1.14 Contractors with cost reimbursement type supply contracts.

A standard "Records" clause is provided. Must agree to maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-fixed-fee, time-and-material, or labor-hour subcontract under his cost reimbursement type prime contract. In the case of existing and completed contracts containing a record retention clause providing for a 6-year period of retention, such contracts may be amended, or in the alternative, the retention of records may be administered in accordance with procedures specified in the ASPR.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203-7. ASPR 7-203.7

#### 1.15 Subcontractors with contracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost reimbursement type prime supply contracts.

Must agree to maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.203-7. ASPR 7-203.7

#### 1.16 Subcontractors with subcontracts in excess of \$2,500 on other than cost, cost-plus-fixed-fee, time-and-material, or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost reimbursement type prime supply contracts.

Must agree that the Comptroller General of the United States or the Department, or their duly authorized representatives, shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.203-7. ASPR 7-203.7

#### 1.17 Contractors with negotiated fixed-price research and development contracts in excess of \$2,500.

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the contract. Must further agree to insert a similar clause in

each subcontract under this type of prime contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.302-6 (retention: 7.104-15). ASPR 7-302.6

**1.18 Subcontractors with subcontracts in excess of \$2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price prime research and development contracts in excess of \$2,500.**

Must agree that the Comptroller General of the United States or his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.302-6 (retention: 7.104-15). ASPR 7-302.6

**1.19 Contractors with cost-reimbursement type research and development contracts.**

Must agree to maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the contract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States. Must insert a similar requirement in each cost, cost-plus-fixed-fee, time-and-material, or labor-hour subcontract under the prime contract.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402-7 (retention: 7.203-7). ASPR 7-402.7

**1.20 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime research and development contracts.**

Must agree to maintain books, records, documents and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract and to make them available to any authorized representatives of the Military Departments or the Comptroller General of the United States.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of litigation, whichever is longer. 32 CFR 7.402-7 (retention: 7.203-7). ASPR 7-402.7

**1.21 Subcontractors with subcontracts in excess of \$2,500 on other than cost, cost-plus-fixed-fee, time and material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime research and development contracts.**

Must agree that the Comptroller General or the Department or their authorized representatives shall have access to

and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 32 CFR 7.402-7 (retention: 7.203-7). ASPR 7-402.7

**1.22 Contractors with fixed-price construction contracts.**

To maintain books, documents, papers and records involving transactions relating to this contract.

Retention period: 3 years after final payment under the prime contract. 32 CFR 7.603-7 (retention: 7.104-15). ASPR 7-603.7

**1.23 Contractors with fixed price contracts in excess of \$1,000 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.**

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government without direct charge to the Government all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.701. ASPR 8-701

**1.24 Contractors with fixed price construction contracts amounting to more than \$10,000.**

Unless otherwise provided for in his contract, or by applicable statute, the contractor in the standard Termination Clause of his contract must agree to preserve and make available to the Government, without direct charge to the Government, all his books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.703. ASPR 8-703

**1.25 Subcontractors with fixed price subcontracts.**

The standard Termination Clause suggested for use in fixed price subcontracts contains the provision that the subcontractor agrees to make available to the buyer and the Government all his books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 32 CFR 8.706. ASPR 8-706

**1.26 Contractors with construction contracts in excess of \$2,000 (for work in continental United States, Alaska, and Hawaii).**

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 32 CFR 12.403-1. ASPR 12-403.1(4)

**1.27 Contractors with Army, Navy, Air Force.**

To keep control records for Government property, whether furnished to or acquired by a contractor for the account of the Government, to be designated and used as official contract records by the Government, whenever possible. Records and procedures shall be reviewed and approved by the Contract Administrator; status of records should be readily ascertained; consolidated property records may be maintained. Property records shall show a unit price, determined by the Government, and property amount number for each item (summary stock records may be maintained in lieu of individual property records for items of plant equipment having a value of less than \$500 each when designated by the contract administrator in accordance with departmental procedures). Records include those of material, special tooling, plant equipment, real property, and scrap. (Specific information given in Code.)

Retention period: Not specified. 32 CFR 30.2, paragraphs 301 and 304; 32 CFR 30.3, paragraphs 207 and 210. (Various regulations of the Army, Navy, and Air Force repeat these requirements as they relate to particular types of contracts.)

**1.28 Banks holding in special accounts advance payments to contractors under the terms of the Armed Services Procurement Act of 1947.**

To keep books and records, memoranda, checks, correspondence or documents pertaining to the account.

Retention period: 6 years after closing of the account. 32 CFR 82.48-1

**1.29 Contractors receiving advance payments secured by lien on supplies and property covered by contract.**

To keep adequate accounting control over such property on its books and records.

Retention period: Not specified (implication is that records need not be kept after lien is satisfied). 32 CFR 82.48-2

**1.30 Contractors supplying military and Federal specification items.**

To keep records of examination and tests performed.

Retention period: As specified in contract. 32 CFR 154.3

**1.31 Contractors with negotiated cost-reimbursement type incentive or price redeterminable contracts. [Added]**

To maintain books, records, documents, and other evidence sufficient

to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.104-41 ASPR 7-104.41

## 2. Department of the Air Force

### 2.1 Contractors with facilities contracts (except short-form).

(a) Shall maintain property control records, a system of physical inventory, and a system of identification of the facilities.

(b) Must agree to maintain books, records, documents, and other evidence pertaining to the costs and expenses of the contract and the use charges payable thereunder and to make them available to any authorized representative of the Department or the Comptroller General of the United States. Must agree further to insert a similar requirement in each subcontract which is on a cost, cost-plus-fixed-fee, time-and-material, or labor-hour basis under the prime contract.

(c) For construction work as defined in "Labor Standards for Construction Work" clause, must maintain payroll records for laborers and mechanics and make the records available for inspection by authorized representatives of the Contracting Officer and the Department of Labor.

Retention period: Records in (a), not specified, 32 CFR 1007.2703-2; records in (b), 3 years after "completion" voucher or invoice or until settlement of any litigation, whichever is longer, 32 CFR 1007.2703-9; records in (c), 3 years after completion of the work, 32 CFR 1007.2704-1

### 2.2 Contractors with contracts relating to Air Force equipment upon which work is to be performed.

Shall maintain property control records of Air Force equipment furnished for repair or modification.

Retention period: Not specified. 32 CFR 1007.4051

### 2.3 Contractors with fixed-type maintenance, overhaul, and modification contracts.

Shall maintain records of all inspection work and to make them available to the Government.

Retention period: During performance of contract and for such longer period as may be specified in the contract. 32 CFR 1007.4503-3

## 3. Department of the Army

### 3.1 Reclamation Board, State of California, as operating agency for the Big Dry Creek Reservoir and Diversion, Fresno County Stream Group.

To keep a continuous record of Big Dry Creek Reservoir stage, including specified inflow, release, diversion, flow, and such other operational data as shall be deemed necessary by the operating agency or as shall be requested by the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality.

Retention period: Not specified. 33 CFR 208.83

### 3.2 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridge.

Retention period: At least 3 years after completion of bridge. 33 U.S.C. 528

### 3.3 States or municipalities or other political subdivisions or public agencies thereof taking over or acquiring or constructing an interstate toll bridge.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

### 3.4 Masters or operators of all vessels subject to the Oil Pollution Act of 1961.

To keep an "Official Oil Record Book" on vessels which contain the record of certain actions in connection with the use or handling of oil or oily mixture.

Retention period: Each completed book for 2 years from date of last entry. 33 CFR 212.3

## IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### 1. Office of Education

#### 1.1 Local educational agencies in areas affected by Federal activities receiving Federal grants for construction of minimum school facilities.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 114.30

#### 1.2 Local educational agencies in areas affected by Federal activities receiving Federal financial assistance for current expenditures.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies or for 3 years following fiscal year to which claim relates, whichever is later, subject to certain exceptions therein. 45 CFR 115.43

#### 1.3 State and local agencies receiving financial assistance for vocational education in agriculture, distributive occupations, home economics, and trades and industries, including the fishing trades and industry, and practical nurse training and area vocational education programs.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: Until notified of the completion of the program reviews and of the fiscal audit covering the records. Records supporting accountability for nonconsumable equipment purchased under the program (whether from Federal or matching funds) and costing \$10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 102.24, 103.2

#### 1.4 State and local agencies participating in the library services program under the Library Services Act.

To keep such accounts and supporting documents as will permit an accurate and expeditious audit of the program at any time.

Retention period: Until completion of fiscal audit or for 3 years, whichever is later. 45 CFR 130.6

#### 1.5 State and local educational agencies receiving financial assistance under title III of the National Defense Education Act for strengthening science, mathematics and modern foreign language instruction.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State or local educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program for supervision, related services or administration, and costing \$10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. No such continuing inventory is required for equipment acquired under projects approved in accordance with section 303(a)(1) of the National Defense Education Act of 1958. 45 CFR 141.17

#### 1.6 State educational agencies receiving financial assistance under section 1009 of the National Defense Education Act for improvement of statistical services.

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is

notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing \$10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 140.7

**1.7 State and local educational agencies receiving financial assistance for guidance and counseling and testing programs under title V of the National Defense Education Act.**

To keep records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: (1) for 3 years after the close of the fiscal year in which the expenditure was made by the State or local educational agency; or (2) until the State agency is notified that such records are not needed for program administration review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department.

Records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing \$10 or more shall be kept until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 143.17

**1.8 Private nonprofit elementary and secondary schools receiving loans under title III of the National Defense Education Act for acquisition of equipment for strengthening science, mathematics, and modern foreign language instruction.**

To keep all records supporting the use of loan funds accessible and intact.

Retention period: Until the loan has been paid in full or until 3 years after receipt of loan funds, whichever is later. 45 CFR 142.14

**1.9 Institutes of higher education entitled to payments for approved fellowship program under title IV of the National Defense Education Act.**

To keep records supporting claims for Federal payments.

Retention period: (1) For 3 years after the close of the fiscal year to which such records relate; or (2) until they are notified that such records are not needed for program administration review; or (3) until they are notified of the completion of the Department's fiscal audit, whichever is later. The records involved in

any claims which have been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR 145.5

**1.10 State agencies receiving payments for training under the Manpower Development and Training Act of 1962.**

To keep records supporting claims for Federal funds or relating to the accountability of the State agency for expenditure of the Federal funds and of its share of the cost of providing training under the Act.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made by the State agency or any public or private educational agency or institution; or (2) until the State agency is notified that such records are not needed for program review; or (3) until the State agency is notified of the completion of the Federal fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Commissioner. 45 CFR 160.13

**1.11 Agencies receiving Federal financial assistance for noncommercial educational television broadcast facilities. [Added]**

(a) To maintain all records relating to the receipt and expenditure of the Federal grant funds and to the expenditure of non-Federal share of the cost of the project.

Retention period: 3 years after close of fiscal year in which expenditure was made or until audit is completed or until agency notifies that such records are no longer needed, whichever is later. 45 CFR 60.19

(b) To maintain descriptive inventories or other records supporting accountability of all items of transmission apparatus acquired or installed with Federal financial assistance.

Retention period: 10 years after completion of the project. 45 CFR 60.19

**2. Food and Drug Administration**

**2.1 Persons introducing shipment or delivery of unlabeled food into interstate commerce and operators of establishments processing, labeling, and repacking.**

Persons shipping unlabeled food interstate and operators of establishments processing, labeling, or repacking such food, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such food from such establishment. 21 CFR 1.13

**2.2 Persons introducing shipment or delivery of unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, and repacking.**

Persons shipping unlabeled drugs and devices into interstate commerce and operators of establishments processing, labeling, or repacking such drugs and devices, where such persons and such operator are not the same person, shall keep written agreements containing such specifications as will insure that such drugs or devices will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such drugs or devices from such establishment. 21 CFR 1.107

**2.3 Persons introducing shipment or delivery of unlabeled cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.**

Persons shipping unlabeled cosmetics interstate and operators of establishments processing, labeling, or repacking such cosmetics, where such persons and such operator are not the same person shall keep written agreements containing such specifications as will insure that such cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such cosmetics from such establishment. 21 CFR 1.204

**2.4 [Deleted]**

**2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.**

Shall keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

**2.6 Sponsors of new drugs for investigational use; persons shipping new drugs for laboratory use. [Revised]**

(a) Sponsors of new drugs for investigational use shall keep and maintain (1) complete records of each shipment and delivery to an investigator, and (2) accurate progress reports of the investigation and significant findings, together with any significant changes in the informational material supplied to investigators.

Retention period: 2 years after a new-drug application is approved for the drug or, if unapproved, 2 years after shipment and delivery for investigational use is discontinued and the Food and Drug Administration is so notified. 21 CFR 130.3

(b) Persons introducing a shipment of or delivering interstate a new drug for laboratory study or animal tests shall keep and maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 130.3

**2.6a Manufacturers of drugs. [Added]**

To maintain records of all written or verbal complaints for each product and the evaluation and action relating to such complaints.

Retention period: Not specified. 21 CFR 133.14

**2.7 Persons requesting certification of antibiotic drugs; persons introducing shipment or delivery of antibiotic drugs into interstate commerce and operators of establishments processing, labeling, storing, repacking, and remanufacturing. [Revised]**

(a) Persons requesting certification of antibiotic drugs shall keep complete records of all shipments and deliveries of each batch or part thereof.

(b) Persons shipping antibiotic drugs interstate for processing, labeling, storing, repacking, and remanufacturing, and operators of such establishments, whether or not the shipper, shall keep complete records of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years from date of shipment or delivery and/or receipt of same (photostatic or other permanent reproductions may be used as substitutes after the first 2 years, 21 CFR 146.1).

(a) 21 CFR 146.5; (b) 21 CFR 146.18-146.22

**2.8 Antibiotic drug distributors and importers for investigational use.**

Persons shipping antibiotic drugs interstate, and persons importing antibiotic drugs, for investigational use, shall keep (1) statement by expert that he has adequate facilities for the investigation and that the drug will be used by or under his direction, and (2) complete records of each shipment and delivery.

Retention period: 3 years from date of shipment or delivery (photostatic or other permanent reproductions may be used as substitutes after the first 2 years, 21 CFR 146.1). 21 CFR 146.23

**2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.**

Shall keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

**2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.**

Shall keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 290.17

**2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals. [Added]**

Shall keep and maintain (1) batch production and control records for each batch of drugs; (2) complete records of all data concerning laboratory tests performed; and (3) complete records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary.

Retention period: At least 2 years after distribution has been completed. 21 CFR 133.7, 133.11, 133.12

**2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration. [Added]**

Shall keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

**2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use. [Added]**

Shall maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

**2.14 Persons processing food with gamma radiation and/or electron beam radiation. [Added]**

Shall keep a record of the total dose absorbed.

Retention period: 1 year. 21 CFR 121.3002, 121.3004

**3. Public Health Service****3.1 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.**

To maintain records of authorized personnel training for health work under Federal grants provided under section 314 of the Public Health Service Act for purpose of audit for compliance with Public Health Service standards, and have accessible the available records, documents, and information pertinent to the audit of activities and programs described in the plan of the cooperating agency.

Retention period: Not specified.<sup>5</sup> 42 CFR 51.11, 51.15

**3.2 State health authorities and cooperating agencies using grant funds for training under section 314 of the Public Health Service Act.**

To maintain a separate and distinct fund account for each Public Health Service grant authorized under section 314 of the Public Health Service Act.

<sup>5</sup>All records supporting claims for Federal grants, or relating to the accountability of the State or other grantee agency for expenditures of Federal grants—and, where required, of matching funds—must be kept intact until the completion of the fiscal audit and/or such other reviews as are regularly conducted by the Federal agencies, or for three years, whichever is later. The records involved in any claims or expenditures which have been questioned should be further maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Federal agencies. The Department of Health, Education, and Welfare does not require that records be maintained beyond this period unless, under special circumstances, the grantee agency is specifically advised that certain record materials should be retained

Retention period: Not specified.<sup>6</sup> 42 CFR 51.13

**3.2a Institutions receiving grants for research projects. [Added]**

To maintain such progress and fiscal records as the Surgeon General may prescribe.

Retention period: 3 years after termination of the project period unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General. 42 CFR 52.23

**3.3 Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.**

Applicants and contractors to maintain payroll records and kickback statements for all laborers and mechanics working at the site.

Retention period: 3 years after completion of the contract. 42 CFR 53.127

**3.4 Applicants receiving Federal funds for hospital and medical facilities survey and construction projects.**

To be required by the State agencies to establish and maintain adequate accounting and fiscal records reflecting the receipt and expenditure of funds allotted and paid for construction of hospitals and medical facilities under the Public Health Service Act.

Retention period: Not specified. 42 CFR 53.129

**3.5 State agencies receiving Federal funds for hospital and medical facilities survey and construction projects.**

To maintain accounts of all Federal and State funds allotted for construction projects, reflecting the funds allotted, encumbered, and unencumbered balances, including separate fund accounts for identifying the Federal and State funds.

Retention period: Not specified. 42 CFR 53.129

**3.6 State agencies receiving Federal funds for applicants for construction project grants or, for the State itself, as an applicant.**

To keep adequate records of accounts and fiscal controls to assure proper accounting of all funds received and disbursed, including similar suitable accounts to show the receipt and disbursement of State, local or other funds used for matching purposes.

Retention period: Not specified. 42 CFR 53.129

**3.7 [Deleted]****3.8 State and interstate water pollution control agencies receiving Federal grants for water pollution control programs.**

To maintain accessible for purpose of audit, records, documents, and information that relate to the grants.

Retention period: Not specified. 42 CFR 55.7

until specific questions are settled. It is recognized that a State or locality, by law or regulation, may make additional requirements. (PHS-CB Health Grants Manual—Part 17-1.8C)

- 3.9 Applicants receiving Federal funds for construction of treatment works, which are used for treatment of sewage or industrial wastes of a liquid nature.

To maintain adequate accounting and fiscal records to reflect the receipt and expenditure of funds for the purpose of the project.

Retention period: Not specified. 42 CFR 55.26(h)

- 3.10 Applicants receiving Federal funds for construction of treatment works, which are used for treatment of sewage or industrial wastes of a liquid nature.

Applicants and contractors to maintain payroll records and kickback statements for all laborers and mechanics working at the site.

Retention period: 3 years after completion of the contract. 42 CFR 55.32

- 3.11 Institutions receiving grants for construction of research facilities.

To maintain such fiscal or other records and furnish such progress or other reports relating to the construction as may be directed by the Surgeon General.

Retention period: Not specified. 42 CFR 57.8

- 3.12 Schools of public health receiving grants for provision of public health training.

To maintain, accessible for purpose of audit, records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

- 3.13 Institutions receiving Federal grants for National Institutes of Health training.

To make available for audit or other reasonable inspection the fiscal and other records of the institution relating to the training for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

- 3.14 Licensed domestic and foreign manufacturing establishments of biological products or trivalent organic arsenicals.

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations; and records of tests of cultures for verification of identity and determination of freedom from extraneous organisms.

Representatives of licensed foreign establishments distributing biological products or trivalent organic arsenicals into any State or possession of the United

States. To keep such records of distribution as are required of domestic licensed establishments.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 42 CFR 73.21, 73.37, 73.77

- 3.15 Licensed manufacturing establishments processing whole blood (human) or packed red blood cells (human). [Revised]

To maintain records of all aspects of the processing. If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made.

Retention period: 5 years after the records or manufacture are completed or 6 months after the latest expiration date, whichever is later. 42 CFR 73.37, 73.304, 73.327

- 3.16 [Consolidated with 3.15]

#### 4. Social Security Administration [Renumbered]

- 4.1 States under agreement for special coverage of State and local government employees.

To keep or cause to be kept by the State, or, with respect to employees of any political subdivision thereof, by such political subdivision, accurate records of all remuneration paid employees in coverage groups, containing data relating to employee identification, payments made, withholdings and collections, and details of adjustment or settlement, necessary explanations, a complete and detailed record respecting any contribution or interest against which a refund or credit is claimed, and, as a part of these records, copies of returns, reports, schedules, and statements required to be kept under these regulations or by instructions applicable to any form prescribed thereunder.

Retention period: For records relating to claims for refunds or credit, at least 4 years after claim is filed; for others, at least 4 years after due date or date of payment of related contribution, whichever is later. 20 CFR 404.1254, 404.1256

#### Bureau of Federal Credit Unions

- 4.2 Federal Credit Unions.

To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified. 45 CFR 301.14

- 4.3 Custodians of records of Federal Credit Unions voluntarily liquidated.

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

\* See Accounting Manual for Federal Credit Unions (October 1954), pp. 109-111.

Retention period: 5 years following date of cancellation of the charter of the credit union. 45 CFR 310.11, 310.13

## V. DEPARTMENT OF THE INTERIOR

### 1. Office of the Secretary

- 1.1 Permittees filming motion pictures on any area under the jurisdiction of the Department of the Interior.

To furnish upon request for administrative use a print of the film footage taken pursuant to the permission granted.

Retention period: 3 years from date permission is granted. 43 CFR 5.1

### 2. Fish and Wildlife Service

- 2.1 Operators of commercial picking establishments, cold storage or locker plants receiving, possessing, or having custody of migratory game birds.

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the close of the open season on migratory game birds. 50 CFR 10.9

- 2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.

To keep records and make reports as specified in the permits issued by the Fish and Wildlife Service for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.9, 16.11, 16.12, 16.13 (retention: 16.3, 16.5)

- 2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.5)

- 2.4 California State Agricultural Commissioner authorized to kill or to have killed certain birds economically injurious.

To keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and to make a report thereof.

Retention period: 12 months following the date on which necessary reports are

submitted. 50 CFR 16.23 (retention: 16.5)

**2.5 Persons authorized to kill depredating purple gallinules in Louisiana.**

To maintain record of the number of birds killed by him and submit a report thereon.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.5)

**2.6 State fish and game departments conducting wildlife restoration projects with Federal aid.**

To keep or direct the keeping of separate project records of cost of lands acquired, improvements, construction, overhead and maintenance done by or on behalf of the State.

Retention period: 3 years following notification of acceptability of project claims and accomplishments. 50 CFR 80.27, 80.28

**2.7 Licensees on whale catchers and factory ships, and at land stations.**

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

**2.8 Loan applicants of the fisheries loan fund.**

To maintain books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of loan period. 50 CFR 250.12

**2.9 Applicants for fishing vessel mortgage insurance.**

Borrower and lender to keep books of account and submit periodic reports as required by the Secretary of the Interior.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

### 3. Geological Survey

**3.1 Coal-mine lessees (federally owned lands).**

To keep records of all coal mined, sold, or otherwise disposed of. Records of correct daily weights or biweekly measurements shall be posted if the miners are paid by weight or measurement.

Retention period: Not specified. 30 CFR 211.15

**3.2 Oil and gas lessees (federally owned and restricted Indian lands).**

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

**3.3 Petroleum producers in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]**

To keep records of inventories, production, consumption, and deliveries, and

gauge tickets, run tickets, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

**3.4 Petroleum and petroleum products purchasers, refiners, storers, shippers, consignors, casinghead gasoline plants and persons dealing in petroleum or petroleum products as a factor, buyer, or seller in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]**

To keep records of inventories, receipts, consumption, deliveries, and operations, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

**3.5 Petroleum and petroleum products reclamation plants in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]**

To keep records of inventories, receipts, reclamation, and operations, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

**3.6 Petroleum and petroleum products pipelines in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]**

To keep records of inventories, receipts, locations, diversions, and shipping, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

**3.7 Petroleum and petroleum products transporting agencies in designated areas (all of Louisiana and certain counties in Texas and New Mexico). [Amended]**

To keep records of shipments, diversions, and shipping, and other records.

Retention period: Unless otherwise notified by the Federal Petroleum Board, the operator may dispose of records retained for a period of 5 or more years. 30 CFR 222.10

**3.8 Mineral lessees, potash, sodium and other minerals (federally owned lands).**

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.26

**3.9 Oil and gas and sulphur lessees (outer Continental Shelf).**

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.37

### 4. Bureau of Indian Affairs

**4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.**

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

**4.2 Indian corporations and tribes.**

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

**4.3—4.4 [Deleted]**

**4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.**

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

**4.6 Lessees of tribal lands for mining.**

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

**4.7 Lessees of allotted lands for mining.**

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

**4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.**

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

**4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.**

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

**4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.**

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records show-

ing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

**4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.**

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

**4.12 Lessees of Osage Reservation lands for oil and gas mining.**

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

**4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.**

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

**4.14 Traders on Navajo, Zuni, and Hopi Reservations.**

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

**5. International Pacific Halibut Commission**

**5.1 Masters or operators of vessels holding Pacific halibut fisheries license or permit.**

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.9

**5.2 Halibut dealers.**

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.10

**6. International Whaling Commission**

**6.1 Factory whaling ships and land stations.**

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

**7. Bureau of Mines**

**7.1 NOTE (supplied by Bureau of Mines):**

Federal Coal Mine Safety Act, Section 105 (55 Stat. 177, as amended by 66 Stat. 692, 30 U.S.C. 455)

**FEDERAL COAL MINE SAFETY ACT**

**TITLE I**

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the six-month period immediately preceding the date on which the request is made. Whoever willfully violates this section shall be fined not more than \$500.

Retention period: Records of accidents involving bodily injury or loss of life in coal mines should be retained 6 months.

**8. National Park Service**

**8.1 Concessioners.**

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.6, 8.8

**VI. DEPARTMENT OF JUSTICE**

**1. General**

**1.1 Foreign agents required to register under 22 U.S.C. 611 et seq.**

To keep all books and records relating to any activities which necessitate registration, including correspondence, memoranda, and other written communications, with or on behalf of foreign principals, cryptographic paraphernalia, names and addresses of those designated to receive "political propaganda," financial records, etc.

Retention period: 3 years after notifying Department that activities requiring registration are terminated. 28 CFR 5.500

**1.2 Foreign agents.**

To keep books and records of political activities.

Retention period: 3 years following termination of activity as agent. Upon good and sufficient cause shown in writing to the Chief, Registration Section, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

**1.3 Organizations registered under Subversive Activities Control Act of 1950.**

To keep bookkeeping and other financial records relating to registrants' activities, including income and disbursements, as well as books and records disclosing members, officers, and employees of registrant.

Retention period: Not specified. 28 CFR 11.204

**1.4 Manufacturers of and dealers in gambling devices.**

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices, in order that monthly report may be made to the Attorney General.

Retention period: 5 years. 15 U.S.C. 1173

**2. Office of Alien Property**

**2.1 Persons engaged in foreign exchange transactions, transfers of credit, and export of coin or currency.**

To keep a full record of each such transaction referred to in 31 CFR 127.9 and 127.10, without regard to whether such transaction is effected pursuant to license or otherwise and may be required by the Secretary of the Treasury and/or the Attorney General by means of regulations, rulings, instructions, or otherwise to keep a full record of complete information relative to any transaction referred to in section 5(b) of the act of October 6, 1917, as amended, or relative to any property in which a foreign country or national thereof has an interest.

Retention period: At least 1 year after date of transaction, for records of transactions referred to in 31 CFR 127.9 and 127.10; not specified for records which may be required. 31 CFR 127.12

**VII. DEPARTMENT OF LABOR**

**1. Office of the Secretary**

**1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.**

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4

**1.2 Contractors or subcontractors subject to labor standards, provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1).**

To keep payroll records (including name and address of each laborer or mechanic, correct classification, rate of pay, daily and weekly numbers of hours worked, deductions made, and actual wages paid) for all laborers and mechanics working in the construction or development of certain projects (stipulation to be inserted in appropriate contracts by interested Federal agency).

Retention period: 3 years after termination of contract, 29 CFR 5.5(a) (3) and (6)

- 1.3 [Transferred to 7.1]  
 1.4 [Transferred to 7.2]  
 1.5 [Transferred to 7.3]

## 2. Bureau of Employees' Compensation

- 2.1 Physicians and hospitals treating Federal employees covered by the Employees' Compensation Act of 1916, as amended.

To keep records of all injury cases treated by them sufficient to supply the Bureau of Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

- 2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23

- 2.3 Employers in the District of Columbia subject to the Longshoremen's and Harbor Workers' Compensation Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 41.22

## 3. Office of Labor-Management and Welfare-Pension Reports [Revised]

- 3.1 Every labor organization subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 402.9

- 3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which

the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.8

- 3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 403.7

- 3.4 Employers required to report payments or agreements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

- 3.5 Persons required to file any report under labor organization trusteeship provision of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 408.10

- 3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

- 3.7 Election officials designated in the constitution and bylaws of labor organization conducting election by secret ballot, or the secretary of such organization if no other official is designated, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 452.12(d)

- 3.8 Officials designated in the constitution and bylaws or the secretary of national or international labor organization when no such official is designated, in elections at conventions, subject to the Labor-Management Reporting and Disclosure Act of 1959.

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 452.13(c)

- 3.9 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act. [Revised]

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: 5 years. Sec. 11, 76 Stat. 38; 29 U.S.C. 308b; 29 CFR Part 486

## 4. Division of Public Contracts

- 4.1 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep unexpired certificate of age of employee issued and held pursuant to regulations issued by the Secretary of Labor under the Fair Labor Standards Act, as protection against unintentional employment of underage minors.

Retention period: During period of employment of such minors. 41 CFR 50-201.105

- 4.2 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50-201.501(d)

(b) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50-201.501(h)

**4.3 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).**

To keep records of injury frequency rates of employees.

Retention period: 3 years after date of entry. 41 CFR 50-201.502

**4.4 Contractors subject to Public Contracts Act (contracts with U.S. agencies). [Added]**

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50-204.309

**5. Wage and Hour Division**

**5.1 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act. [Amended]**

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 516.6; 1590.86

**5.2 Employers making retroactive payment of wages to employees, including industrial homeworkers, under supervision of the Administrator.**

To record and preserve, as an entry on payroll or other pay records, the amount of such payment to each employee, the period covered by such payment, and the date of payment; and preserve a copy of the report of each such payment on the receipt form authorized by the Wage and Hour Division.

Retention period: 3 years. 29 CFR 516.2(b), 516.5, 516.24(b)(7), 545.7(d), 695.6(d)

**5.3 Employers subject to Fair Labor Standards Act.**

To keep employment records relating to wages, hours, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, union agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order, shipping and billing records (customers' bills, etc.), records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.8, 516.11-516.27

**5.4 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.**

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and, when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed shall be retained.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 516.23, 521.8 (a) and (c)

**5.5 Joint apprenticeship committees holding certificates issued by Administrator.**

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR, 516.5, 516.23, 521.8 (b) and (c)

**5.6 Employers subject to Fair Labor Standards Act employing learners under special learners certificates.**

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: At least 3 years from last effective date of the certificate. 29 CFR 516.5, 516.23, 522.7

**5.7 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates.**

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications serving as temporary authorization under 29 CFR 520.6(c)(2) and of any special certificates issued under which student-learners are employed.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 520.7

**5.8 Employers subject to Fair Labor Standards Act employing handicapped workers.**

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record.

Retention period: 3 years. 29 CFR 524.10 (retention: 516.5, 516.23)

**5.9 Sheltered workshops (as defined in 29 CFR 525.2(b)).**

To keep records of the nature of each client's handicap, and special certificates and records required under applicable provisions of 29 CFR Part 516.

Retention period: Not specified. 29 CFR 525.11

**5.10 Educational institutions employing student-workers as learners under certificates.**

To keep payroll records showing rate of pay, including a copy of any special certificate issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 527.7

**5.11 Retail or service establishments subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates.**

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued.

Retention period: At least 3 years from the last effective date of the certificate. 29 CFR 516.5, 516.23, 519.7

**5.11a Retail or service establishments subject to Fair Labor Standards Act employing employees exempt from overtime pay requirements pursuant to section 7(h). [Added]**

To keep employment records relating to wages, hours, circumstances and conditions of employment, including the representative period selected.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

**5.12 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.**

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained.

Retention period: Not specified. 29 CFR 530.8

**5.13 Employers of industrial homeworkers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.**

To keep employment records required by 29 CFR Part 516.

Retention period: Not specified. 29 CFR 530.9

**5.14 Employers of industrial homeworkers engaged in making hand-fashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.**

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: Not specified. 29 CFR Part 530.12(b) (3)

**5.15 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.**

To keep records including name and address of firms outside Puerto Rico from whom goods upon which work to be done are received; name and address of subcontractors, if any, to whom each lot delivered or delivery to homeworkers, and Labor Department permit number; dates goods delivered to and received from subcontractor, with description of goods and rate of commission; name, address, age (if under 19) of homeworker; style number, description, amount of goods delivered, rates, etc.; date homeworker paid.

Retention period: 3 years. 29 CFR 545.7 (a) and (e), 545.8

**5.16 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.**

To keep handbook furnished to employers by Wage and Hour Division, in which employer enters dates on which goods delivered to and received from (or purchased from) homeworker; style number; description, amount of goods, rates, etc.; date homeworker paid; signature of person acting for employer.

Retention period: 2 years subsequent to date of last entry. 29 CFR 545.7 (b) and (e)

**5.17 Employers of homeworkers in the fabric and leather glove industry; the handkerchief, scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear and women's blouse industry; the needlework and fabricated textile products industry; and the sweater and knit swimwear industry in Puerto Rico.**

To keep record of overtime (over 40 hours 1 week) including hours worked on each lot of work, total hours worked each

week; wages paid at regular piece rates; extra amount paid for overtime; this in addition to other records required by 29 CFR 545.7.

Retention period: Employer, 3 years; employee handbook, 2 years. 29 CFR 545.7 (c) and (e)

**5.18 Employers of persons engaged in the shoe and related products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 601.3

**5.19 Employers of persons engaged in the leather, leather goods, and related products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 602.3

**5.20 Employers of persons engaged in the fabric and leather glove industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 603.3

**5.21 Employers of persons engaged in the metal, machinery, transportation equipment, and allied products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 604.3

**5.22 Employers of persons engaged in the electrical, instrument, and related products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 606.3

**5.23 Employers of persons engaged in the handkerchief, scarf, and art linen industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 608.3

**5.24 Employers of persons engaged in the women's and children's underwear and women's blouse industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 609.3

**5.25 Employers of persons engaged in the children's dress and related products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 610.3

**5.26 Employers of persons engaged in the sweater and knit swimwear industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 611.3

**5.27 Employers of persons engaged in the needlework and fabricated textile products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 612.3

**5.28 Employers of persons engaged in the straw, hair, and related products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 613.3

**5.29 Employers of persons engaged in the corsets, brassieres, and allied garments industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 614.3

**5.30 Employers of persons engaged in the men's and boys' clothing and related products industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 615.3

**5.31 Employers of persons engaged in the button, jewelry, and lapidary work industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 616.3

**5.32 Employers of persons engaged in the alcoholic beverage and industrial alcohol industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 619.3

**5.33 Employers of persons engaged in the tobacco industry in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 657.3

**5.34 Employers of persons engaged in the banking, insurance and finance industries in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 661.3

**5.35 Employers of persons engaged in chemical, petroleum, and related products industry in Puerto Rico. [Revised]**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 670.3

**5.36 Employers of persons engaged in communications, utilities, and transportation industries in Puerto Rico.**

To keep notices of wage orders as prescribed by Wage and Hour Division. Retention period: Not specified. 29 CFR 671.3

- 5.37 Employers of persons engaged in the construction, business service, motion picture, and miscellaneous industries in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 672.3
- 5.38 Employers of persons engaged in the food and related products industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 673.3
- 5.39 Employers of persons engaged in the lumber and wood products industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 675.3
- 5.40 Employers of persons engaged in the paper, paper products, printing, and publishing industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 677.3
- 5.41 Employers of persons engaged in the stone, clay, glass, cement, and related products industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 678.3
- 5.42 Employers of homeworkers in Puerto Rico (other than needlework industries).  
To keep records pertaining to employment of such homeworkers.  
Retention period: 2 years. 29 CFR 681.7, 681.8
- 5.43 Employers of homeworkers in industries in Puerto Rico (other than needlework industries).  
To keep handbook furnished to employers by Wage and Hour Division to record dates upon which goods in each lot were delivered; style number, if any; description of, and amount of goods in each lot; operations to be performed thereon; piece rate to be paid, and net amount paid for operations performed upon such goods, etc.  
Retention period: 2 years. 29 CFR 681.7, 681.8
- 5.44 Employers of persons engaged in the wholesaling, warehousing, and other distribution industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 683.3
- 5.45 Employers of persons engaged in the hosiery industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.
- Retention period: Not specified. 29 CFR 683.3
- Retention period: Not specified. 29 CFR 687.3
- 5.46 Employers of persons engaged in the artificial flower, decoration, and party favor industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 688.3
- 5.47 Employers of persons engaged in the sugar manufacturing industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 689.3
- 5.48 Employers of persons engaged in industries in the Virgin Islands.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 694.3
- 5.49 Employers of homeworkers in industries in the Virgin Islands.  
To keep records pertaining to such homeworkers.  
Retention period: 3 years. 29 CFR 695.6, 695.7
- 5.50 Employers of homeworkers in industries in the Virgin Islands.  
To keep handbook records containing dates upon which goods in each lot were delivered and collected; style number, description, and amount of goods in each lot, operations to be performed, and piece rate to be paid; net amount actually paid for operations performed; date paid and signature of person acting in behalf of employer.  
Retention period: 2 years subsequent to last entry. 29 CFR 695.6, 695.7
- 5.51 Employers of persons engaged in industries in American Samoa.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 697.3
- 5.52 Employers of persons engaged in the textile and textile products industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 699.3
- 5.53 Employers of persons engaged in the fabricated plastic products industry in Puerto Rico.  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 690.3
- 5.54 Employers of persons engaged in the rubber products industry in Puerto Rico. [Added]  
To keep notices of wage orders as prescribed by Wage and Hour Division.  
Retention period: Not specified. 29 CFR 720.3
6. [Consolidated with 3]
7. Bureau of Labor Standards [Added]
- 7.1 Employers subject to child-labor provisions of the Fair Labor Standards Act.  
To keep certificates of age for employed minors under 18 years of age.  
Retention period: Until termination of employment of minor. 29 CFR 1500.3
- 7.2 State agencies having agreements with Secretary of Labor or Administrator of Wage and Hour Division, Labor Department, for utilization of their services in making investigations and inspections.  
To keep accounting records and supporting data pertaining to expenditures for investigations and inspections under Fair Labor Standards Act, and Public Contracts Act.  
Retention period: Not specified. 29 CFR 515.6, 1500.86
- 7.3 Employers subject to minimum age standards of child-labor provisions of Fair Labor Standards Act.  
To keep age certificate (a statement of a minor's age issued under regulations of Secretary of Labor) showing minor to be above minimum age requirements for employment as a protection from an unwitting violation of minimum age standards.  
Retention period: Not specified. 29 CFR 1500.121
- 7.4 Persons accredited for vessel cargo gear certification.  
To keep original certificates relating to loose gear, wire rope, or heat treatments.  
Retention period: Permanent. 29 CFR 1505.10
- 7.5 Operators or officers of vessels.  
To keep vessel's register and certificates relating to cargo gear.  
Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1505.12
- 7.6 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.  
To keep records as are necessary to compute and permit verification of standard work-injury frequency and severity rate and employee hours worked.  
Retention period: 3 years. 29 CFR 1506.2

## VIII. POST OFFICE DEPARTMENT

## 1.1 Postage meter licensees.

To keep a Meter Record Book (Form 3602-A), showing register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 33.3, 33.7

**1.2 Postage meter manufacturers.**

To 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.

Retention period: These records may be destroyed 3 years after the meter is scrapped. 39 CFR 33.8

**1.3 Apartment house managers.**

To 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 secure 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.

Retention period: 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. 39 CFR 45.6

**IX. DEPARTMENT OF STATE****1.1 Persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.**

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the importation and exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

**X. DEPARTMENT OF THE TREASURY****1. Bureau of Accounts****1.1 Public and private agencies holding refugee relief loans.**

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953 and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

**2. Comptroller of the Currency****2.1 National banks acting as insurance agents and as brokers or agent for loans on real estate.**

To keep records available for inspection by Examiners as specified in 12 CFR Part 2, including authorization statements and certificates, copies of

agent-bank's reports, adequate records of insurance transactions and loans, with separate entries and accounts, and records as may be required by insurance companies.

Retention period: Permanent, except for copies of reports made by the agent bank to each insurance company which it represents, which copies shall be kept for a period of five years, and except for records of loans negotiated by the bank in acting as broker or agent in making or procuring loans on real estate, which records shall be kept for a period of 5 years. 12 CFR 2.2, 2.4

**2.2 National banks exercising trust powers.**

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

**2.3 National banking associations.**

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

**2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.**

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

**3. Bureau of Customs****3.1—3.4 [Deleted]****3.5 Importers of Patna rice to be used in the manufacture of canned soups.<sup>1</sup> [Amended]**

To keep records to support blanket certificates issued to show sales of such Patna rice during a specific period to a specified manufacturer showing quantity and description of the Patna rice and identifying such Patna rice with the import entry.

Retention period: 3 years from liquidation of the entry. 19 CFR 10.88

**3.6 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.**

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certifi-

cate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

**3.7 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.**

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period or at completion of lot; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

**3.8 Manufacturers, processors, or dealers of articles of wool or hair of the camel.**

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

**3.9 Importers of rapeseed oil to be used in the manufacture of rubber substitutes or lubricating oil.<sup>1</sup> [Amended]**

To keep records to support blanket certificates issued to show sales of such rapeseed oil during a specific period to a specified manufacturer showing quantity and description of the rapeseed oil and identifying such rapeseed oil with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.100

**3.10 Importers of limestone to be used in the manufacture of fertilizer.<sup>1</sup> [Amended]**

To keep records to support blanket certificates issued to show sales of such limestone during a specific period to a specified manufacturer showing quantity and description of the limestone and identi-

<sup>1</sup> These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

fyng such limestone with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.101

### 3.11 [Deleted]

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930. [Amended]

To keep such records of their operations as will enable them to file an annual statement, not later than 60 days after the termination of their fiscal year, showing the quantities of metal bearing materials on hand at the beginning of the period and the dutiable contents thereof; the quantities of metal bearing materials received during the period and the dutiable contents thereof; the quantities of metal bearing materials to be accounted for and the dutiable contents thereof; the quantities of metal bearing materials on hand at the end of the period and the dutiable contents thereof; the quantities of metal bearing materials worked during the period and the dutiable contents thereof; and the wastage incurred during the period.

Retention period: 5 years from date of the related annual statement. 19 CFR 19.19

3.13 Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.<sup>7</sup>

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported merchandise used, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is made for an allowance for such waste, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the relative values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

<sup>7</sup> These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

3.15 Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.<sup>7</sup>

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d), Tariff Act of 1930, as amended.<sup>7</sup>

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

### 3.17 Licensed customhouse brokers.

To maintain correctly and in orderly itemized manner, and keep current, records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 5 years after preparation or receipt. 19 CFR 31.9

## 4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect on December 31, 1963. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, Excise, Liquor, Tobacco, and Firearms Taxes.

Citations to 26 CFR App. A and D are carried in the Code of Federal Regulations as Appendixes to Subchapters A and D of Chapter I of Title 26.

## INCOME TAX

### 4.1 Persons subject to income tax.

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax but required to file an annual return shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001-1 (See also 1.446-1, 1.453-1, dealing with accounting methods and periods.)

### 4.2 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.162-17, 1.274-5 (retention: 1.6001-1)

### 4.3 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.

To keep records of all factors entering into the computation of depreciation allowances.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.167(a)-7 (retention: 1.6001-1)

**4.3a Persons claiming a deduction for amounts expended in maintaining certain students as a member of household.** [Added]

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.170-2 (retention: 1.6001-1)

**4.4 Persons electing to treat trademark or trade name expenditures as deferred expenses.**

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.177-1 (retention: 1.6001-1)

**4.5 Persons electing additional first-year depreciation allowance for small business.**

To maintain records which permit specific identification of "section 179 property" and reflect how and from whom such property was acquired.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.179-4 (retention: 1.6001-1)

**4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.**

To keep records as will enable allocation to be made of amounts of each class of exempt income and amounts of items or parts of items allocated to each class.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.265-1 (retention: 1.6001-1)

**4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.** [Revised]

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.274-1, 1.274-5 (retention: 1.6001-1)

**4.8 Corporations receiving distributions in complete liquidation of subsidiaries.**

To keep records showing information with respect to the plan of liquidation and its adoption.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.332-6 (retention: 1.6001-1)

**4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.**

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.333-5 (retention: 1.6001-1)

**4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.**

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.351-3 (retention: 1.6001-1)

**4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.**

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.368-3 (retention: 1.6001-1)

**4.12 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.**

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.371-2 (retention: 1.6001-1)

**4.13 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.**

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.371-1 (retention: 1.6001-1)

**4.14 Railroads participating in a tax-free reorganization.**

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374-3

**4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.**

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)-1 of the regulations applies and to establish the basis thereof.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.381(c)(6)-1 (retention: 1.6001-1)

**4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.**

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.393-3 (retention: 1.6001-1)

**4.17 Employers claiming deductions for contributions to an employees' trust or annuity plan or compensating an employee under a deferred-payment plan.**

To keep records substantiating all data and information required to be filed with respect to each plan and the deductions claimed thereunder.

Retention period: To be kept at all times available for inspection. 26 CFR 1.404(a)-2

**4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.**

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.422-1 (retention: 1.6001-1)

**4.19 Persons selling by the installment method. [Revised]**

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.453-1, 1.453-2 (retention: 1.6001-1)

**4.20 Persons engaged in the production, purchase, or sale of merchandise.**

To keep a record of inventory conforming to the best accounting practice in the trade or business which clearly reflects income and is consistent from year to year.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.471-1, 1.471-2 (retention: 1.6001-1)

**4.20a Farmer's cooperative marketing and purchasing associations. [Added]**

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to

all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.521-1 (retention: 1.6001-1)

**4.21 Corporations claiming deduction for dividends paid.**

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.561-2 (retention: 1.6001-1)

**4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.**

To keep accurate records of periodical pressure determinations where the annual production is not metered.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611-2 (retention: 1.6001-1)

**4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.**

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount

paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands;

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.*

In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property," as defined in 26 CFR 1.613-3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property computed without the allowance for depletion," as defined in 26 CFR 1.613-4.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611-2, 1.613-5 (retention 1.6001-1)

#### 4.24 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges

to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.611-3 (retention: 1.6001-1)

#### 4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.614-2 (retention: 1.6001-1)

#### 4.26 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c) (3) (A) or (B) of the Internal Revenue Code;

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c) (2) of the Internal Revenue Code, in sufficient detail to show that the separate operating min-

eral interest was not a part of an aggregation formed by the taxpayer under section 614(c) (1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c) (2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.614-3 (retention: 1.6001-1)

#### 4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811-2

#### 4.28 Record retention requirements for life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.820-2 (retention: 1.6001-1)

#### 4.29 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also

to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.852-6, 1.852-7 (retention: 1.6001-1)

#### 4.30 Real estate investment trust.

(a) To maintain in the internal revenue district in which it is required to file its income tax return such permanent records as will disclose the actual ownership of its outstanding stock.

(b) Shareholders of record may not be the actual owners of the stock; accordingly, the real estate investment trust shall demand a written statement from shareholders of record disclosing the actual owner of the stock. Section 1.856-6(d). A list of the persons failing or refusing to comply in whole or in part with the trust's demand for such statement shall be maintained as a part of the trust's records.

(c) For the purpose of determining whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544 of the Internal Revenue Code.

Retention period: Such records shall be kept at all times available for inspection by any internal revenue officer or employee and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.857-6

#### 4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.905-2 (retention: 1.6001-1)

#### 4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and, if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue

law. 26 CFR 1.921-1 (retention: 1.6001-1)

#### 4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954. [Added]

Must maintain such records and other documents as are necessary to determine the applicability of the exception.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.934-1 (retention: 1.6001-1)

#### 4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1014-4 (retention: 1.6001-1)

#### 4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, to insure a fair and adequate determination of the proper basis.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1015-1 (retention: 1.6001-1)

#### 4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1081-11 (retention: 1.6001-1)

#### 4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1101-4 (retention: 1.6001-1)

#### 4.37 Persons engaged in arbitrage operations in stocks and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1233-1 (retention: 1.6001-1)

#### 4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) **Corporations.** The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) **Shareholders.** Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation.

Retention period: So long as the contents thereof may become material in

the administration of any internal revenue law. 26 CFR 1.1244(e)-1 (retention: 1.6001-1)

#### 4.39 Persons involved in the liquidation and replacement of life inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1321-1, 1.1321-2 (retention: 1.6001-1)

#### 4.40 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal separate capital accounts shall be maintained holding company income.

(2) In the case of a partnership, maintained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to

domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1361-10, 1.1361-14 (retention: 1.6001-1)

#### 4.41 Distributions by small business corporations of previously taxed income.

To keep records of the net share of the previously taxed income of each shareholder. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and shall make such record available to the corporation for its information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1375-4 (retention: 1.6001-1)

#### 4.42 Tax-exempt organizations. [Amended]

To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status.

Retention period: As long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6033-1 (retention: 1.6001-1)

#### 4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee. [Added]

Must maintain such records as will permit a prompt substantiation of each payment of dividends made to the actual owner.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6042-1 (retention: 1.6001-1)

#### 4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee. [Added]

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 25 CFR 1.6047-1

#### 4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the deter-

mination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 16.13

#### 4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR App. A 17.14

### ESTATE TAX

#### 4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001-1

### GIFT TAX

#### 4.46 Persons making transfers of property by gift.

(a) To keep letters from brokers furnishing quotations, or evidence obtained from officers of issuing companies as to sales of stocks and bonds which are not listed on an exchange but are dealt in through brokers, or which have a market.

Retention period: Not specified. 26 CFR 25.2512-2

(b) To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001-1

### EMPLOYMENT TAX

#### 4.47 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with re-

spect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6001-1

**4.48 Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.**

To keep copies of Forms 1042 and 1042S.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.1461-2 (retention: 1.6001-1)

**4.49 Employers required to deduct and withhold income tax on wages paid.**

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 31.3401(a)-1, 31.6001-5 (retention: 1.6001-1)

**4.50 Employers liable for tax under the Federal Insurance Contributions Act.**

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which consti-

tutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the cal-

endar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001-2 (retention: 31.6001-1)

**4.51 Persons subject to the Railroad Retirement Tax Act.**

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in

money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001-3 (retention: 31.6001-1)

#### 4.52 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he

is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001-4 (retention: 31.6001-1)

#### 4.53 Employers required to deduct and withhold income tax on wages paid.

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees. Such records shall show with respect to each employee:

(1) The name and address of the employee and, after December 31, 1962, the account number of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands.

(7) Copies of any statements furnished by the employee relating to non-resident alien individuals who are residents of a contiguous country.

(8) Copies of any statements furnished by the employee relating to residence or physical presence in a foreign country.

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico.

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept.

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of ab-

sence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Form W-4) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax.

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) The employer shall keep records of the details of each adjustment or settlement of income tax withheld.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001-5 (retention: 31.6001-1)

#### 4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)-2, 31.6404(a)-1 (retention: 31.6001-1)

#### 4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) Before employer files return. To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) After employer files return. If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)-1 (retention: 31.6001-1)

#### EXCISE TAX

4.56 Persons required to file a return and pay tax on the sale or use of any article subject to manufacturers' excise tax, or disposing of articles free of tax.

To keep accurate records, including duplicates of returns, and accounts of all transactions. To keep, in the case of dispositions of products to other manufacturers free of tax, accurate records of all such transactions including certificates from purchasers certifying to the fact that the products are purchased for further manufacture of taxable articles, with supporting invoices, etc. To maintain evidence with respect to sales for export, or shipment to a possession of the United States, and sales to States or political subdivisions thereof, upon which no tax is due, and other tax-free sales, and evidence required to support a claim for credit or refund.

Retention period: 4 years from the date the tax became due; with respect to tax-free sales, for a period of 4 years from the last day of the month following the month in which the sale was made; and with respect to credits or refunds, 4 years from the date any credit is taken or refund is claimed. 26 CFR 40.4063-1, 40.4220-3; App. D 316.7, 316.23, 316.24, 316.26, 316.28, 316.29, 316.61a, 316.63, 316.72, 316.81, 316.121, 316.200, 316.202, 316.204, 316.204a

4.57 Persons dealing in, handling, or receiving articles exempt from manufacturers' excise tax.

To keep certificates, which are not turned over to manufacturers of articles, together with proper records, supporting orders, and invoices with respect to exempt sales.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 40.4063-1, 40.4152-1, 40.4220-3; App. D 316.22, 316.26, 316.27, 316.28, 316.72, 316.204

4.58 Manufacturers, producers, or importers selling automobile tires or tread rubber.

To maintain records of tires sold with metal rims or rim bases attached which will establish what portion of the finished product represents the weight of the tire exclusive of the metal rim or base; and for tax-free sales of tread rubber, to retain exemption certificates and to keep records of invoices, orders, etc., for inspection by the district director.

Retention period: Not specified. 26 CFR 40.4073-3

4.59 Persons liable for floor stocks taxes on vehicles, highway tires, tread rubber, or gasoline.

To keep (a) records of separate specified inventories and copies of returns and other relevant papers and material, and (b) claimant's records of claim for refund, credit, or abatement.

Retention period: (a) At least 3 years after the date the tax becomes due or the date the tax is paid, and (b) at least 3 years after the date the claim is filed. 26 CFR 40.4226-4, 40.4226-8

4.60 Persons subject to the tax on use of certain highway motor vehicles.

(a) *Person in whose name vehicle registered.* Every person in whose name any highway motor vehicle having a taxable gross weight in excess of 26,000 pounds is registered at any time in the taxable year shall keep certain specified records with respect to each vehicle to enable the district director to determine whether such person is liable for the tax and, if so, the amount thereof.

(b) *Transit systems.* Every person engaged in the operation of a transit system shall keep records sufficient to show, with respect to each taxable year, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable year.

(c) *Claimants.* Any person claiming refund, credit, or abatement of the tax, interest, additional amount, addition to the tax, or assessable penalty, shall keep a complete and detailed record with respect to the claim.

Retention period: Records required by paragraphs (a) and (b) shall be maintained for a period of at least 3 years after the date the tax becomes due or the dates the tax is paid, whichever is later. Records required by paragraph (c) (including any record required by paragraph (a) or (b) which relates to the claim) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 41.6001-1

4.61 Persons required to collect taxes on amounts paid for (a) telegraph, telephone, cable, or radio dispatches, messages, or conversations, (b) any leased wire, or talking circuit special service, or wire and equipment services, etc., or (c) any local telephone services, etc.

To keep accurate records and accounts of all such services and facilities furnished upon which the tax is imposed and evidence of the right to exemption relative to any such services or facilities furnished in respect of which tax is not

collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if applicable; and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 42.4253-7; App. D 130.47, 130.71, 130.77

4.62 Persons engaged in the business of transporting property for hire.

To keep accurate records to show with respect to each individual transaction the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 42.4271-4273; App. D 143.33, 143.34, 143.51, 143.60

4.63 Persons who ship or pay for transportation of shipments to points of export.

To retain triplicates of Export Exemption Certificates with shipping papers, and documentary evidence of the exportation of property, such as a copy of export bill of lading, memorandum from the captain of the vessel, customs official, or foreign consignee, shipper's export declaration, or other evidence sufficient to establish the fact that the property has actually been exported.

Retention period: 4 years. 26 CFR 42.4271-4273; App. D 143.33, 143.34

4.64 Carriers of petroleum by pipe line.

To keep accurate records and accounts showing (a) the daily volume of commodities accepted for transportation; (b) daily run records of the amount taken into the pipe lines and the amount delivered from such lines; (c) deductions from acceptances or allowances for evaporation, basic sediment, water, etc.; and (d) the charge per barrel, and the total charge for each movement. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR 42.4281-42.4283-1; App. D 130.71, 130.77

4.65 Persons required to collect taxes on amount paid for the transportation of persons and seating or sleeping accommodations in connection therewith.

To keep accurate records to show with respect to each ticket or order sold or fare collected, or other individual transaction, the amount of tax collected or evidence of the right to exemption where tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: (a) Except as provided in paragraph (b) below, 4 years

from the date the tax is due; with respect to evidence of the right to exemption, 4 years from the date the tax would have become due if payable; and, with respect to credits, 4 years from the date of the return on which the credit appears.

(b) On or after October 1, 1956, carriers furnishing transportation or facilities paid by a State, a Territory of the United States, or any political subdivision thereof, or the District of Columbia, shall retain all exemption certificates accepted, with the record of services and facilities rendered for a period of at least 3 years from the date the tax would have become due if payable. 26 CFR 42.4292-1(b), 49.4261-6(e); App. D 130.54, 130.62, 130.71, 130.77

#### 4.66 Persons required to pay excise tax on wagering.

(a) *General.* To keep records as will clearly show as to each day's operation: (a) Gross amount of all wagers accepted; (b) gross amount of each class or type of wager accepted on each separate event, contest, or other wagering medium; (c) separately, the gross amount of wagers: (1) accepted directly by the taxpayer or at any registered place of business of the taxpayer (other than laid-off wagers), (2) accepted for his account by agents at other than a registered place of business of the taxpayer (other than laid-off wagers), (3) accepted as laid-off wagers from persons subject to the excise tax; (d) with respect to wagers laid-off with others: (1) The name, address and registration number of each person with whom placed, (2) the gross amount laid-off with each person showing separately the gross amounts of laid-off wagers with respect to each contest, event, or other wagering medium; and (e) the gross amount of tax collected from or charged to bettors as a separate item. To keep, in the case of the taxpayer's employees or agents receiving wagers on his behalf, separate records showing the name, address, the period of employment, and number of the special tax stamp issued to, such employee or agent. To also keep duplicates of returns and a complete and detailed record of each overpayment.

(b) *Records of agent or employee.* Every person who is engaged in receiving for or on behalf of another person (at any place other than a registered place of business of such other person) wagers of a type subject to tax shall keep a record showing for each day (1) the gross amount of such wagers received by him, (2) the amount, if any, retained as a commission or as compensation for receiving such wagers, and (3) the amount turned over to the person on whose behalf the wagers were received, and the name and address of such person.

(c) *Records of claimants.* Any person claiming a credit or refund shall keep a complete and detailed record of each overpayment and of each laid-off wager for which credit is taken or refund is claimed, including a copy of the required certificate.

(d) *Place for keeping records.* Every person required to pay the tax on wagering shall keep or cause to be kept, at

his office or principal place of business, or, if he has no office or principal place of business, at his residence or some other convenient or safe location, all such records as are required pursuant to paragraphs (a) and (c).

*Retention period:* All records required by the regulations in this part shall at all times be available for inspection by internal revenue officers. Records required by § 44.4403-1 and by paragraph (a) of this section shall be maintained for a period of at least 3 years from the date the tax became due. Records required by paragraph (b) of this section shall be maintained for a period of at least 3 years from the date the wager was received. Records required by paragraph (c) of this section shall be maintained for a period of at least 3 years from the date any credit is taken or refund is claimed. 26 CFR 44.4403-1, 44.6001-1

#### 4.67 Persons removing playing cards from the place of manufacture for export to a foreign country.

(a) *Return of shipment to factory.* In case a consignee, for whom a manufacturer removes playing cards from his place of manufacture in accordance with a written order or contract of sale for export, modifies or cancels his written order or contract of sale for export, the manufacturer may return the shipment of such playing cards to his place of manufacture provided he maintains adequate records relating to such return.

(b) *Proof of delivery to a foreign-trade zone.* A manufacturer of playing cards who removes such playing cards from the place of manufacture for delivery to a foreign-trade zone without affixing stamps thereto shall maintain adequate records of all such removals and shall keep sufficient written proof of such removals and deliveries as may be necessary to substantiate actual delivery of the playing cards to the foreign-trade zone. Such records shall be retained by the manufacturer and made available for inspection by any revenue officer upon his request.

*Retention period:* 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 45.4453-1, 45.4453-2 (retention: 45.6001-1)

#### 4.68 Manufacturers of white phosphorus matches.

(a) *General.* Every manufacturer is required to keep a daily record showing the total of each material used each day and the total number of matches produced and the number of stamped packages and original packages in which packed; also the total number of stamped packages and original packages, together with the total number of matches, disposed of each day.

(b) *Names of customers.* The names of customers to whom matches are consigned and the quantities so sold will not be entered in the manufacturers' daily record and quarterly returns, but the manufacturer shall, upon request of any internal revenue officer, furnish a record of all sales for such period as may be desired.

*Retention period:* 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 25 CFR 45.4804-10 (retention: 45.6001-1)

#### 4.69 Persons making contracts of sale of cotton for future delivery, and persons who act in the capacity of a clearing house or association for such transactions.

(a) All persons who make contracts of sale of cotton for future delivery at, on, or in any exchange, board of trade, or similar institution or place of business, whether said contracts shall be cleared and adjusted through a clearing association, or direct between seller and buyer, or otherwise, shall keep a record (in accordance with forms prescribed in § 45.4872-3 of the regulations) thereof showing: (1) name and address of contracting person keeping record; (2) name and address of other party to contract; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis grade; (9) specified price per pound; (10) date of delivery or settlement; (11) method of actual fulfillment or settlement; and (12) amount of tax paid (or, if exempt, so state).

(b) All persons who act in the capacity of a clearinghouse or clearing association for the purpose of clearing, settling, or adjusting transactions mentioned in section 4851(a) of the Internal Revenue Code shall keep a record (see forms prescribed in § 45.4872-3 of the regulations) thereof showing: (1) name and address of clearinghouse or clearing association keeping record; (2) name and address of person for whom contract is cleared; (3) date contract was made; (4) quantity of cotton involved, in bales or pounds; (5) time specified in contract for delivery; (6) whether transaction is a purchase or a sale; (7) whether the contract is a contract subject to section 4863, 4864, or 4865 of the Internal Revenue Code, and the basis grade; (8) grade, type, sample, or description of cotton, if not basis contract; (9) specified price per pound; (10) date of delivery or settlement; and (11) method of actual fulfillment or settlement.

(c) *Records to be kept in separate books and open for inspection.* All records required by the regulations in this subpart must be in writing and shall be kept in separate books, and not mixed with records of other accounts or transactions, and shall be open to inspection, when demand is made therefor by officers and agents of the Internal Revenue Service. Agents duly appointed shall have authority to examine the books and records kept in pursuance to §§ 45.4872-1 to 45.4872-3, inclusive, and may require the production of any other books, papers, records, or statements of account necessary to determine any liability to the tax imposed by section 4851 of the Internal Revenue Code.

Retention period: Not less than 3 years. 26 CFR 45.4872-1, 45.4872-2 (retention: 45.4872-4)

#### 4.70 Parties to transfers of any interest in silver bullion.

Each party to every transfer of an interest in silver bullion within the scope of section 4891 of the Internal Revenue Code shall keep an accurate and complete record of every such transfer whether taxable or not. The record of a transferee shall be so kept that on a subsequent transfer the actual cost to him of the particular interest transferred can be determined. The books of every person liable to the tax shall be open for inspection by Government and internal revenue officers at all times.

Retention period: 3 years from the date the tax became due. 26 CFR 45.4894-2, 45.4895-8

#### 4.71 Persons subject to certain miscellaneous stamp taxes.

(a) *General.* The records required by Part 45 of the regulations shall be kept accurately, but no particular form is required for keeping such records. See, however, the requirements in § 45.4804-10, relating to form for daily record in the case of manufacturers of white phosphorus matches, and §§ 45.4872-1 to 45.4872-4, inclusive, relating to records regarding sales of cotton for future delivery. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person who, pursuant to the regulations in this part, claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) and by §§ 45.6001-2 to 45.6001-5, inclusive, which relate to the claim.

(d) *Place for retention of records.* All records required by the regulations in this part shall be maintained, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(e) *Microfilm reproduction.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records or details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records retains such microfilmed

copies for the required period, provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and makes any transcription which may be required of the information contained on the microfilm.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001-1.

#### 4.72 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

(a) *General.* A manufacturer shall keep at his place of business separate records of adulterated butter, of process or renovated butter, and of filled cheese. If the record is kept as hereinafter prescribed in the manufacturer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than adulterated butter, process or renovated butter, filled cheese, and the materials or ingredients used in the manufacture of each product.

Entry shall be made not later than the day following that on which each transaction occurred. Quantities reported shall be as indicated by the tax-paid stamps affixed to the packages, except that where the product is withdrawn free of tax for export, or where the product is returned to the factory, the actual quantity will be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Item.* The record must show:

(1) The number of pounds of each material or ingredient used in the production of adulterated butter, process or renovated butter, or filled cheese, and the number of such materials used for other purposes.

(2) The number of pounds of each product produced.

(3) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(4) The number of pounds in each lot returned to the factory, the name of the person by whom returned, the address from which returned, and the date of receipt.

(5) The number of pounds reworked, disposed of as grease, dumped, or otherwise destroyed.

(6) The total value of tax stamps purchased and used.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter, process or renovated butter or filled cheese distributed gratuitously shall be recorded in the same manner as if the packages were sold.

(2) *Transfers to self.* Where adulterated butter, process or renovated butter, or filled cheese is transferred by a manufacturer to himself as a wholesale or retail dealer, the transaction shall be

recorded in the same manner as a transfer to another person.

(3) *Sales to chain stores.* Where adulterated butter, process or renovated butter, or filled cheese is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipment.* Where a manufacturer receives an order from one person to ship adulterated butter, process or renovated butter, or filled cheese to another, the transaction shall be recorded in the name and address of the consignee, followed by "acc't. of" and the name and address of the person for whose account the shipment was made. A manufacturer shall not record consignments on orders in the names of agents, solicitors, or other persons transmitting an order for another party.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of § 45.6001-1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001-2 (retention: 45.6001-1)

#### 4.73 Wholesale dealers in adulterated butter.

(a) *General.* A wholesale dealer shall keep at his place of business records of transactions in adulterated butter. If the record is kept as hereinafter prescribed in the dealer's own books or in other convenient form no other record will be necessary. Care should be taken to exclude from the record any product other than tax-paid and branded adulterated butter.

Entry shall be made not later than the day following that on which the transaction occurred. Quantities reported shall be as indicated by the tax-paid stamp affixed to the packages, except that where goods are returned to or by the wholesaler the actual quantity shall be recorded. A fraction of a pound shall be accounted as a pound.

(b) *Items.* The record must show:

(1) The number of pounds in each consignment of adulterated butter received, the name and address of the consignor, and the date of receipt.

(2) The number of pounds in each lot disposed of, the name of the consignee, the address to which delivered, and the date of shipment.

(c) *Transactions.* The following rules will apply:

(1) *Samples.* Sample packages of tax-paid adulterated butter received and disposed of gratuitously shall be recorded in the same manner as adulterated butter which is purchased and sold.

(2) *Transfers to self.* Where adulterated butter is transferred by a wholesale dealer to himself as a retail dealer, the transaction shall be recorded in the same manner as a sale to another person.

(3) *Sales to chain stores.* Where adulterated butter is shipped to one person doing business at different places, as in the case of chain stores, the deliveries to each address shall be recorded separately.

(4) *Drop shipments.* A wholesale dealer shall not record the receipt of adulterated butter which he orders delivered direct to a third party. The dealer's connection with the transaction shall be shown by the manufacturer as provided in paragraph (c) of § 45.6001-2. Where a wholesale dealer receives an order from one person to ship adulterated butter to another, the transaction shall be recorded in the name and address of the consignee followed by "acct. of" and the name and address of the person giving the order. A wholesale dealer shall not record consignments in the names of agents, solicitors, or other persons transmitting orders for other parties.

(5) *Returned goods.* Where adulterated butter is returned by a customer to a wholesale dealer the transaction shall be recorded separately from other receipts. The sale of repossessed goods shall be recorded with other disposals. Adulterated butter returned by a wholesale dealer to the manufacturer or other wholesale dealer from whom received shall be recorded separately from other disposals (see paragraph (c) (6) of § 45.4821-3 as to resales.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid whichever is the later. The records of claimants required by paragraph (c) of section 45.6001-1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001-3 (retention: 45.6001-1)

#### 4.74 Wholesale dealers in filled cheese.

Every wholesale dealer in filled cheese shall keep at his place of business a daily record of (a) the number of pounds in each consignment of filled cheese received by him, giving the name and address of the consignor and date of receipt, and (b) the number of pounds of filled cheese disposed of in each instance, name of person to whom shipped or delivered, date of shipment or delivery, and address to which sent.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) of section 45.6001-1 of the regulations shall be retained for a period of at least 3 years after the date the claim is filed. 26 CFR 45.6001-4 (retention: 45.6001-1)

#### 4.75 Persons liable for the excise tax on manufactured sugar or on the first domestic processing of coconut and palm oil. [Amended]

(a) *General.*—(1) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the District Director of Internal Revenue to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(2) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return,

schedule, statement, or other document, shall keep such copy as a part of his records.

(3) *Records of Claimants.* Any person who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any record required of the claimant by paragraph (a) (2), and by paragraphs (b) and (c) below, which relate to the claim.

(4) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

(5) *Microfilm reproductions.* General books of account, such as cash books, journals, voucher registers, ledgers, etc., shall be maintained and preserved in their original form. However, microfilm reproductions of supporting records of details, such as invoices, vouchers, production reports, sales records, certificates, proofs of exportation, etc., may be kept in lieu of the original records provided the person required to keep such records (i) retains such microfilmed copies for the specified retention period, (ii) provides adequate facilities for the preservation of such films and for the ready inspection and location thereof, including a projector for viewing such records in the event inspection is necessary for tax purposes, and (iii) makes any transcription which may be required of the information contained on the microfilm.

(b) *Manufactured sugar.*—(1) *Manufacturing records.* Every person who manufactured sugar shall keep an accurate monthly record of the manufacturing done by him.

(2) *Content of records.* Such records shall show:

(i) The quantity of manufactured sugar and other sugar on hand at the beginning of the month;

(ii) The quantity received during the month;

(iii) The quantity of manufactured sugar produced during the month;

(iv) The quantity sold during the month;

(v) The quantity of manufactured sugar used during the month in the production of other articles for sale; and

(vi) The quantity of manufactured sugar and other sugar on hand at the end of the month.

For periods prior to August 31, 1963, the records shall show the polariscopic test or total sugars of each grade and type of sugar and manufactured sugar.

For periods after August 30, 1963, the records shall show the total sugars of each grade and type of sugar and manufactured sugar.

(c) *Coconut and palm oil.*—(1) *Processing records.* Every processor shall maintain records and accounts with respect to the first domestic processing of the oil or oils showing:

(i) The quantity of (a) all raw materials from which oils are produced, (b)

all crude or virgin oils, and (c) all oils which were imported and upon which preliminary processing had been done prior to importation.

(ii) Daily records of the quantity of oils put into process, showing the purpose for which used and the products produced therefrom.

(iii) The quantity of oils put into process under bond for export.

(2) *Source records.* Records relative to coconut oil or to any combination or mixture containing a substantial quantity of coconut oil, with respect to which oil no tax has been paid, must be maintained in such a manner as to show:

(i) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut oil, which is wholly the production of (a) The Philippine Islands, (b) Guam, (c) American Samoa, (d) All possessions of the United States, and (e) The Trust Territory of the Pacific Islands, and

(ii) Separately, the quantity of coconut oil, or combination or mixture containing a substantial quantity of coconut oil, produced wholly from materials which are the growth or production of (a) The Philippine Islands, (b) Guam, (c) American Samoa, (d) All possessions of the United States, and (e) The Trust Territory of the Pacific Islands.

The records shall also show the country or possession in which the raw materials or oils were produced, when such articles were brought into the United States, and the name and address of the importer.

Retention period: 3 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (a) (3) shall be maintained for a period of at least 3 years after the date the claim is filed. 26 CFR 46.6001-1, 46.6001-2, 46.6001-3 (retention: 46.6001-1)

#### 4.76 Members of a securities exchange records with respect to the payment of documentary stamp tax through national securities exchanges without the use of stamps on transactions in stock or certificates of indebtedness.

(a) *Daily records to be kept by members.* Members shall maintain complete and adequate daily records, such as a blotter or similar book of original entry, of all such transactions in stock or certificates of indebtedness, whether the transaction is taxable or not. In the case of taxable transactions, the daily record shall show the amount of tax payable in respect of each transaction. In the case of nontaxable transactions, the daily record shall disclose the basis on which the exemption from the tax is claimed.

(b) *Records to be kept by exchange.* The daily reports received from its members shall be kept in permanent form by the exchange or clearinghouse.

Retention period: At least 3 years from the date any part of the tax is paid on the transaction and must be available for ready inspection by internal revenue officers. 26 CFR 47.4353-1

**4.77 Brokers, dealers, etc. records of sales and transfers of stock.**

(a) All persons who are wholly or partly engaged in the business of buying, selling, or transferring stock, either at public or private sale, whether or not they are members of an exchange, including persons engaged in transactions known as "matched," "on-order," "pass-outs," or "give-ups," or transactions which are settled directly between the seller and buyer or which are cleared or adjusted through a clearinghouse or otherwise, or persons (other than those described in paragraph (b) below) engaged in accepting and procuring the transmission of orders for purchase or sale of shares of stock shall keep a record as to each transaction.

(b) *Correspondent brokers.* Persons engaged in accepting and procuring the transmission of orders for the purchase or sale of stock, to be executed at a brokerage office or at an exchange, board of trade, or similar place, shall keep a record as to each transaction.

(c) *Floor brokers, etc.* Brokers known as strictly "floor brokers," "two-dollar men," or "room traders," whether their transactions are settled directly between seller and buyer, by "matched," "on-order," "pass-out," "scratch sale," or "give-up," or by any other kind of sale or purchase, or whether their transactions are cleared through a clearinghouse or otherwise, shall, in lieu of the record prescribed in paragraph (a) of this section, keep a record as to each transaction.

(d) *General.* Persons keeping records as prescribed in this section may incorporate therein additional information for their own use, which should be entered, however, so as not to interfere with the recording of the information required. These records must be kept in permanent form and must be available for ready inspection by internal revenue officers.

Retention period: 3 years from the date any part of the tax is paid on the transaction. 26 CFR 47.6001-1

**4.78 Brokers, dealers, etc. records of sales and transfers of certificates of indebtedness.**

The records required by 26 CFR 47.6001-1 relating to sales and transfers of stock are also applicable to sales and transfers of certificates of indebtedness, except that the records of sales of certificates of indebtedness need not show the sales prices, since the selling price is immaterial for purposes of the tax imposed by section 4331 of the Code.

Retention period: 3 years from the date any part of the tax is paid on the transaction. 26 CFR 47.4331-4 (retention: 47.6001-1)

**4.79 Persons required to keep records with respect to foreign insurance policies.**

(a) *Records to be kept by solicitors, brokers, etc.* No return or statement showing a list of policies or other instruments subject to the tax imposed by section 4371 of the Internal Revenue Code is required from any person to or for whom, or in whose name, such policy or other instrument is issued, or

from the solicitor or broker acting directly or indirectly for or on behalf of such person. However, each person, solicitor, or broker, accepting, placing, soliciting, or making, directly or indirectly, or paying or receiving compensation with respect to, a policy or other instrument subject to the tax imposed by section 4371 of the Code shall keep a record of such policy or other instrument for a period of at least 3 years from the date any part of the tax was paid with respect to the issuance thereof and shall be prepared to furnish full information to the district director at any time upon demand.

(b) *Records to be kept by policy holder.* The person having control or possession of a policy of insurance, or reinsurance, or other instrument to which documentary stamps must be affixed shall retain such instrument for at least 3 years from the date any part of the tax was paid with respect to the issuance thereof to enable internal revenue officers to ascertain whether the requisite stamps have been affixed and cancelled. 26 CFR 47.6001-2

**4.80 Persons selling at retail stores used exclusively for industrial, scientific, or educational purposes, or as part of mechanical devices.**

To keep adequate records in the nature of invoices or other documents identifying the stones, the person to whom sold, the date of sale, and the purpose for which the stones are to be used.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4001-3 (retention: App. D 320.72)

**4.81 Persons required to file a return and pay tax on the sale of an article at retail.**

To keep accurate records, including duplicates of returns, and accounts of all transactions. To maintain evidence of sales at retail for export, or shipment to a possession of the United States, sales at retail to the United States, States, or Territories of the United States, political subdivisions thereof, or District of Columbia, sales for resale, and sales at retail of articles for religious purposes which could also be used for nonreligious purposes, upon which no tax is due. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due; in the case of tax-free sales, 4 years from the last day of the month following the month in which the sale was made; and, with respect to overpayments, 4 years from the date the credit is taken or the refund is claimed. 26 CFR 48.4003-1; App. D 320.20, 320.21, 320.22, 320.23, 320.37, 320.72, 320.76

**4.82 Persons claiming exemption from tax on the sale at retail of articles of which fur is a component material.**

To maintain adequate records or have proper documentary evidence to establish to the satisfaction of the Commissioner that the value of the fur as compared with that of the most valuable of the other component materials is not such as to render the sale taxable.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4011-1 (retention: App. D 320.72)

**4.83 Persons claiming exemption from tax on the sale or use of diesel fuel and special motor fuel.**

(a) *Bulk purchases by users.* Persons who purchase taxable liquid in bulk delivered into storage tanks or other containers and use it for various purposes, both taxable and nontaxable, or in both registered and nonregistered vehicles, must maintain adequate records of all fuel used for each purpose to permit verification of the tax paid and of any credits, refunds, or exemptions claimed.

(b) *Dual use of taxable liquid.* If the taxable liquid used in a separate motor used to operate certain special equipment is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle or which the special equipment is mounted, a reasonable determination of the quantity of taxable liquid used in such separate motor will be acceptable for purposes of application of tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and records must be maintained which will support the allocation used.

(c) *Use as supplies for vessels or aircraft.* To keep proper records of invoices, orders, etc., including exemption certificates, available for inspection by the District Director of Internal Revenue.

Retention period: 4 years from the date the tax became due; in the case of tax free sales, 4 years from the last day of the month following the month in which the sale was made. 26 CFR 48.4041-5, 48.4041-6, 48.4041-9 (retention: App. D 324.42)

**4.84 Persons required to file a return on the sale or use of cutting oil or oil for nonlubricating use.**

To keep accurate records of all transactions, including properly executed exemption certificates.

Retention period: Not specified. 26 CFR 48.4091-3(a), 48.4091-4(a)

**4.85 Persons required to keep records with respect to the return and payment of retailers excise taxes by suppliers.**

To retain the duplicate copy of the statement of consent which is returned to the retailer by the supplier and which shows the date on which the agreement becomes effective with respect to such retailer.

Retention period: Not specified. 26 CFR 48.6011(c)-1

**4.86 Persons claiming a credit or refund for gasoline used for certain nonhighway purposes, by a local transit system, or for farming purposes.**

(a) *General.* To keep in accordance with the form outlined in the regulations an accurate record of the number of gallons purchased and the dates of purchases, the name and address of each vendor, the number of gallons used during the period covered by the claim and

such other information as is necessary to establish the correctness of the claim.

(b) *Local transit systems.* In addition to the records required by paragraph (a), to keep records that establish for each calendar quarter: (1) the total passenger fare revenue (not including with respect to gasoline used before November 16, 1962, the tax imposed by section 4261 of the Internal Revenue Code) derived from scheduled common carrier public passenger land transportation service along regular routes, and (2) the commuter fare revenue derived from such scheduled service.

(c) *Farming purposes.* To keep a record of the gasoline purchased and used by the claimant on a farm which he is the owner, tenant, or operator, and to show, in cases where trucks or other vehicles are used both on and off the farm an allocation of the number of gallons used in such trucks or vehicles for farming purposes. Where the claimant is entitled to claim payment for gasoline used on his farm by a person other than the owner, tenant, or operator thereof, the records must show: (1) the name and address of the person who performed the farming operation, (2) a description of the type of work and the type of equipment used, (3) the date or dates on which the work was done, and (4) the number of gallons of gasoline so used.

Retention period: At least 3 years from the last date prescribed for the filing of the claim. 26 CFR 48.6420(f)-1, 48.6421(g)-1

**4.87 Election to pay tax on amount paid for life membership in a social, athletic or sporting club or organization.**

The statement of election shall be retained by the club or organization as a part of its records and shall be available for inspection by internal revenue officers.

Retention period: Not specified. 26 CFR 49.4241-1

**4.88 Social, athletic, or sporting club or organization required to collect the tax on dues or initiation fees.**

To keep up-to-date records showing the names and addresses of its members of each class, the amounts they have paid as dues, membership fees, or assessments, the tax, and the dates paid, to the club or others as a prerequisite to membership. To also keep a record in which shall be entered each day (a) under the head of "Life membership" (1) the number of life members from whom a life-membership tax has been collected on that day, and (2) the total amount of tax so collected; and (b) under the head of each other class of membership (1) the number of members of that class paying on that day dues or membership fees or initiation fees, (2) the total amount so paid by members of that class, and (3) the total amount of tax collected on such payments. A duplicate copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: 4 years from the date the tax became due; with respect to

credits, 4 years from the date return is filed on which the credit is taken; and, with respect to abatements or refunds claimed, 4 years from date claim is filed. 26 CFR 49.4241-1; App. A 101.38, 101.39, 101.41, 101.42

**4.89 Manufacturers of smoking opium.**

To keep a book conforming to Form 271 which shall contain a daily accurate account of (a) the quantity of crude gum opium (including all forms, preparations, or derivatives suitable for manufacturing opium for smoking purposes) and other materials purchased and sold; (b) name and address of purchaser or seller; (c) if articles are shipped or delivered to some other person, the name of such other person and place of delivery; (d) the sizes of the packages and number of packages of each size purchased and sold; (e) the total quantity of prepared smoking opium (1) manufactured, (2) sold, (3) removed tax paid, and (f) the number and value of stamps purchased and used.

Retention period: Permanent. 26 CFR 150.10

**4.90 Persons making application for registry or reregistry as retail dealers, physicians, dentists, veterinary surgeons, etc., manufacturers of and dealers in exempt preparations, and those entitled to obtain and use narcotics in a laboratory.**

To keep the duplicates of inventories required to be made of the narcotic drugs and preparations on hand at the time of making the inventories.

Retention period: 2 years. 26 CFR 151.27

**4.91 Manufacturers or producers of packages containing one ounce or more of morphine, cocaine or isonipecaine or any of their salts or derivatives, and of packages containing tablets, pills, or preparations the content of which amounts to one ounce or more of such drugs, and wholesale dealers disposing of such packages.**

(a) *Manufacturers or producers.* To keep a record of the individual identification number placed on each package manufactured and produced together with the name and address of the purchaser, so arranged that upon disclosure of the identification number the identity of the purchaser can be readily ascertained.

(b) *Wholesale dealers.* To keep a record showing as to each package disposed of the manufacturer's name, location, and identification number, the name and address of the purchaser, and the date of disposal, so arranged that upon disclosure of the identity of the manufacturer and the identification number, the identity of the purchaser can be readily ascertained.

Retention period: Permanent. 26 CFR 151.132

**4.92 Manufacturers, importers, producers, compounders, wholesale dealers and other authorized persons filling orders for narcotic drugs.**

To keep as a part of their permanent records order forms for narcotic drugs, including orders of exempt officials.

Retention period: 2 years. 26 CFR 151.162, 151.201

**4.93 Registrants authorized to execute and present order forms for narcotic drugs.**

(a) To keep on file duplicate order forms.

(b) To keep on file original and duplicate order forms which are improperly executed or mutilated so as to make them unusable.

(c) To keep on file with the duplicates thereof original order forms returned because of improper preparation.

(d) To keep on file attached to the duplicates thereof original order forms which are not accepted, or cannot be filled, and are returned with a letter of explanation. The letter of explanation is also attached to the duplicate.

(e) To file with the duplicates of order forms, the unfilled originals of which have been lost, the duplicates of second orders and of the affidavits accompanying the second orders, and to attach, if returned, the originals of the first order forms to the duplicates and affidavits.

Retention period: 2 years. 26 CFR 151.162, 151.188, 151.201, 151.202

**4.94 Narcotic registrants or exempt officials purchasing narcotics from court officers under judicial proceedings.**

To retain duplicates of official order forms or purchase orders.

Retention period: 2 years. 26 CFR 151.162, 151.475

**4.95 Persons registered for the purpose of engaging in any activity involving the use of narcotic drugs.**

To file with their official order forms and records receipts for samples of narcotics furnished to Federal and State enforcement officers.

Retention period: Not less than 2 years. 26 CFR 151.227

**4.96 Importers, manufacturers, producers, compounders, wholesale dealers, and others filling orders for narcotic drugs submitted by qualified dealers or practitioners in the Virgin Islands.**

To keep records in the same manner as in the case of domestic sales, except that in lieu of the record of the registry number of the purchaser, there shall be kept a record of the date the order was approved by the Commissioner of Health of the Virgin Islands and the date the order was received by them.

Retention period: Not less than 2 years. 26 CFR 151.243

**4.97 Manufacturers, importers, producers, and compounders of, and wholesale dealers in taxable narcotics.**

To keep invoices, original sales orders, delivery or duplicate sales slips, or other papers or records as may be required to evidence any unrecorded purchase, receipt, or disposition. Also manufacturers must keep available such batch tags, production orders, or other papers as may be required to evidence any unrecorded quantity used or produced.

Retention period: Until the information is recorded on Forms 810 and 811. 26 CFR 151.262, 151.263, 151.264, 151.479

**4.98 Manufacturers importing opium or medicinal coca leaves.**

To keep, where factory procedure is such that partial withdrawals are made from individual containers, a complete record of all such withdrawals on a stock record card attached to each container.

Retention period: Until the information is recorded on Form 163 and its supplements. 26 CFR 151.282, 151.317

**4.99 Manufacturers, producers, compounders, and importers of, and wholesale dealers in narcotic drugs.**

To retain on file together with other narcotic records duplicate copies of all returns, properly sworn to as in the case of original copies.

Retention period: Not less than 2 years. 26 CFR 151.375

**4.100 Retail dealers and other persons qualified to sell narcotic drugs at retail.**

To keep written prescriptions and written records of oral prescriptions for narcotic drugs in a separate file.

Retention period: Not less than 2 years. 26 CFR 151.400

**4.101 Physicians, dentists, veterinary surgeons, and other practitioners (including hospitals and institutions).**

To keep daily records showing the kind and quantity of narcotics dispensed or administered, the names and addresses of persons to whom dispensed or administered, the names and addresses of persons upon whose authority, and the purpose for which dispensed or administered. In lieu of these records practitioners who, in their office practices, administer minute quantities of narcotics in stock preparations, may keep, as to such preparations, records of the date when each stock preparation is made or purchased and the date when the preparation is exhausted.

Retention period: Not less than 2 years. 26 CFR 151.412, 151.413, 151.414

**4.102 Manufacturers, producers, compounders, and vendors (including dispensing physicians) of pharmaceutical preparations (containing a narcotic drug) classified as Class "X" preparations.**

To keep a record in accordance with the form outlined in the regulations of all sales, exchanges, gifts or other dispositions of such Class "X" preparations, the entries to be made at the time of delivery. The requirement that such records be maintained as herein provided is absolute, independent and not merely a condition precedent to securing exemption granted under section 4702(a) of the Internal Revenue Code, as amended (§ 151.423), to manufacturers, producers, compounders or vendors (including dispensing physicians), of exempt preparations. Such records shall be kept in such a way as to be readily accessible to inspection by any duly authorized officer or employee of the Treasury Department and the State, territorial, district, municipal or insular officers named in section 4773 of the Code. Separate records shall be kept of disposition to registrants and disposition to consumers. The record of dis-

position to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation and the date upon which delivery to the registrant, his agent or carrier is made. The record of disposition to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery. Any person required to keep records pursuant to this paragraph and failing to do so is guilty of a violation of law and liable to the penalties provided for violation of the provision of law relating to narcotic drugs.

In the case of manufacturers or dealers in preparations classified as Class "X" products who are also registered as manufacturers or dealers in taxable drugs in Class I or II, the requirement of this section as to records of dispositions to registrants shall be deemed to be complied with if all such dispositions are evidenced by vouchers or invoices containing all the required information. As to records required in the case of registrants supplying preparations classified as Class "X" products to consumers pursuant to prescriptions issued by registered physicians, the requirement of this paragraph as to records of disposition to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

Retention period: Not less than 2 years. 26 CFR 151.424

**4.103 Laboratories using narcotics.**

To keep complete records of receipts, disposals, and stocks on hand, of all narcotic drugs and preparations; to keep duplicate copies of official order forms used to obtain narcotic drugs; to keep the original of the return of inventory the duplicate of which is forwarded to the district director; and to keep a special record in accordance with the form outlined in the regulations showing date, kind, and quantity of narcotic drug or preparation used, the particular purpose or object of such use, and the identification and disposition of the narcotics or resulting products or residues so used, showing the date, quantity of resulting products or residues, and manner of disposition.

Retention period: Not less than 2 years from date of last transaction shown therein. 26 CFR 151.441

**4.104 Laboratories transferring and receiving narcotic drugs for chemical or pharmacological tests.**

(a) *Transferors.* To keep on file with the official order form or with the order and exempt certificate, as the case may be, the written approval of the Commissioner of Narcotics to the transfer of an appropriate quantity of a narcotic drug to another qualified registrant or to an exempt official for the purpose of having the desired tests made.

(b) *Transferees.* To keep a record of such drugs used and disposed of in the manner described in item 4.94 above with additional data, in the case of pharma-

cological tests, accounting for quantities dispensed to humans and animals. A copy of the report to the transferor of the results of the tests made, if such report includes data from which a complete accounting for the narcotic drug used and disposed of can be ascertained, may be kept on file by the transferee as the special record required.

Retention period: Not less than 2 years from the date of the last transaction therein. 26 CFR 151.443

**4.105 Persons required to make statements with respect to narcotics lost or destroyed.**

(a) *Persons having title to narcotics lost or destroyed through breakage of container or other accident, other than in transit.* To retain a copy of statement, forwarded to narcotic district supervisor, as to kinds and quantities of narcotics lost or destroyed and the circumstances involved.

(b) *Consignees of narcotics lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the signed statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of the narcotics stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 151.472

**4.106 Persons desiring to discontinue a business, involving the use of narcotic drugs, on any date other than June 30.**

To retain on file with narcotic records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 151.473

**4.107 Narcotic registrants disposing of excess or undesired narcotics.**

To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 151.474

**4.108 Applicants for registry required to submit inventories of marihuana and preparations thereof on hand.**

To keep duplicates of inventories required to be made of marihuana and preparations thereof on hand at the time of making such inventories.

Retention period: 2 years. 26 CFR 152.8

**4.109 Transferors and transferees of marihuana.**

(a) *Transferors.* To preserve the originals of order forms for marihuana.

(b) *Transferees.* To preserve the duplicates of order forms for marihuana.

Retention period: 2 years. 26 CFR 152.49

**4.110 Physicians, dentists, veterinary surgeons, hospitals, sanatoriums, medical schools, and other practitioners dispensing or administering marihuana to patients.**

To keep daily records showing the kind and quantity of marihuana dispensed

or administered, the name and address of each person to whom dispensed or administered, the name and address of the person under whose authority the marihuana is dispensed or administered and the purpose for which it is dispensed or administered.

Retention period: 2 years. 26 CFR 152.53, 152.54

#### 4.111 Dealers filling marihuana prescriptions.

To keep marihuana prescriptions in a separate file. Dealers registered under the Harrison Narcotics Law, as amended, as retail dealers, who keep marihuana prescriptions on the narcotic prescription file, will be deemed in compliance with this provision.

Retention period: 2 years. 26 CFR 152.64

#### 4.112 Transferors and transferees of unsterilized marihuana seeds or the plant *Cannabis sativa L.*

To keep records covering dispositions and receipts of such seeds or such plant.

Retention period: 2 years. 26 CFR 152.68, 152.68a, 152.78

#### 4.113 Persons required to render returns with respect to marihuana.

To retain duplicates of such returns. Retention period: 2 years. 26 CFR 152.75, 152.78

#### 4.114 Persons registered to obtain marihuana for laboratory use.

To keep complete records relating to the receipt, disposal, and stock on hand of all marihuana; to keep in accordance with the form outlined in the regulations a special record showing the date, the quantity and kind of marihuana used, the particular purpose or object of such use, and also showing as to the resulting product or residue, the date, quantity and kind, and manner of disposition.

Retention period: 2 years. 26 CFR 152.77, 152.78

#### 4.115 Persons registered to process the *Cannabis sativa L.* plants and parts thereof for the purpose of extracting any fiber or fiber products therefrom.

To keep in accordance with the form outlined in the regulations complete records relating to the receipt, disposal, and stock on hand, of all such plants and parts thereof and products therefrom.

Retention period: 2 years. 26 CFR 152.77a, 152.78

#### 4.116 Persons taxable under the Marihuana Tax Act.

To retain all order forms, duplicate forms, prescription records, returns, and inventories required to be kept on file.

Retention period: 2 years. 26 CFR 152.78

#### 4.117 Persons required to make statements with respect to marihuana lost or destroyed.

(a) *Persons having title to marihuana lost or destroyed through breakage of container or other accident, other than in transit.* To keep a copy of affidavit, forwarded to narcotic district supervisor, as to the kind and quantity of marihuana items lost or destroyed and the circumstances involved.

(b) *Consignees of marihuana lost by theft, or otherwise lost or destroyed in transit.* To retain a copy of the sworn statement of the facts, filed with the narcotic district supervisor immediately upon ascertainment of the occurrence, including a list of marihuana items stolen, lost, or destroyed, and documentary evidence that the local authorities were notified.

Retention period: Not less than 2 years. 26 CFR 152.97

#### 4.118 Persons desiring to discontinue a business, involving the use of marihuana, on any date other than June 30.

To retain on file with marihuana records special-tax stamps returned by district director after being marked "Business discontinued" with the date.

Retention period: 2 years. 26 CFR 152.98

#### 4.119 Marihuana registrants disposing of excess, undesirable, or useless marihuana.

To retain copies of inventories of excess, undesirable, or useless marihuana shipped to narcotic district supervisor.

Retention period: 2 years. 26 CFR 152.98

#### 4.120 Persons required to collect and account for admissions and cabaret taxes.

(a) *Admissions.* (1) To keep the portions of the tickets taken up by them. Retention period: Not less than 6 months. 26 CFR App. A 101.18

(2) To keep a copy of the statement of the numbers of obsolete and unusable tickets destroyed, their denominations, and all other pertinent information.

Retention period: Not specified. 26 CFR App. A 101.18

(3) To keep substantially in accordance with the form outlined in the regulations an accurate daily record of admissions to all classes, including free or complimentary tickets or admissions and reduced rate admissions; a classified daily record showing as to each class of tickets sold all figures and other information necessary to determine the amount of tax due for the day, and due as charges in excess of established price for the day; to keep sworn copies of management reports attached to and made a part of the records for the period covered thereby.

Retention period: 4 years from the date the tax became due. 26 CFR App. A 101.32

(b) *Cabarets.* (1) To keep waiters' checks or bills or cash register tapes where the passing on of the tax to patrons is evidenced by entries thereon.

Retention period: Not less than 6 months. 26 CFR App. A 101.18, 101.32

(2) To keep adequate and sufficient records with respect to the operations for each day on which public performances are held showing receipts from charges paid by all patrons entitled to be present during any part of the performance, and the tax due.

Retention period: 4 years from the date the tax became due. 26 CFR App. A 101.32

(c) *Duplicate returns, credits, and abatements or refunds.* A duplicate

copy of the returns shall be retained and, for all credits taken and all abatements or refunds claimed, complete and detailed records shall be maintained.

Retention period: For duplicate returns—4 years from the time tax became due; for credits—4 years from the date return is filed on which the credit is taken; and for abatements or refunds—4 years from date claim is filed. 26 CFR App. A 101.32, 101.33, 101.41, 101.42

#### 4.121 Persons required to keep records with respect to documentary stamp taxes.

To maintain and preserve all instruments, memoranda, books, or other documents to which documentary stamps have been affixed and canceled in payment of stamp taxes; all certificates of exemption executed in lieu of the payment of stamp taxes; and all other records required by the documentary stamp tax regulations.

Retention period: 4 years from the time of the related transaction. 26 CFR (1939) 113.150

#### 4.122 Persons required to collect tax on use of safe deposit boxes.

To keep accurate records and accounts of all transactions subject to tax and evidence of the right to exemption on any such transaction in respect of which tax is not collected. A complete and detailed record of all credits taken and a duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax is due, and, with respect to credits, 4 years from the date of the return on which the credit appears. 26 CFR App. D 130.71, 130.77

#### 4.123 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales, and complete and detailed records of overpayments, for which credit is taken or refund is claimed, must also be kept.

Retention period: 4 years from the date the tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs, or, in the case of overpayments, 4 years from the date credit is taken or refund claimed. 26 CFR App. D 314.23, 314.60, 314.62, 314.64

#### 4.124 Persons liable to pay floor stocks tax on gasoline held on November 1, 1951.

To keep records showing payment of floor stocks tax on gasoline, including the duplicate of the return, inventories, and other relevant papers and material. Persons holding gasoline at more than one location shall keep separate inventories for each location (one copy at each location and one copy at the principal place of business) consolidated into a single inventory at the principal place of business.

Retention period: 4 years from the date the tax is due. 26 CFR App. D 314.71, 314.73, 314.74

**4.125 Persons claiming exemption for tax on sale of diesel fuel.**

(a) Sales to a State or Territory of the United States, or a political subdivision thereof, or the District of Columbia. To be prepared to produce evidence, such as clearly identified orders or contracts of a State, Territory of the United States, or a political subdivision thereof, or the District of Columbia, of right to exemption.

(b) Sales for export and shipments to possessions of the United States. To maintain adequate records to establish that the liquid was sold for export and documentary evidence that it was in fact exported.

Retention period: 4 years from the last day of the month following the month in which the sale was made. 26 CFR App. D 324.30, 324.31, 324.33, 324.42

**4.126 Persons required to file a return and pay tax on the sale or use of diesel fuel.**

To keep accurate records and accounts of all taxable transactions. To keep also a complete and detailed record of each overpayment.

Retention period: 4 years from the date the tax became due, and with respect to overpayments, 4 years from the date the credit is taken or refund is claimed. 26 CFR App. D 324.42, 324.45

**LIQUORS****4.127 Manufacturers recovering taxpaid alcohol.**

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

**4.128 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.**

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 26 CFR 173.15

**4.129 Persons manufacturing, importing, storing, or using liquor bottles.**

To keep such records and furnish such inventories and reports relating to the manufacture, shipment, delivery, purchase, use, or sale of all liquor bottles, as the assistant regional commissioner may from time to time require. Persons placing orders for liquor bottles to keep a copy of each order and the original report of each shipment or delivery; consignors to keep the original of each order and a copy of the report of each shipment or delivery. Persons storing liquor bottles to keep suitable commercial records covering the receipt, disposition, and stocks of such bottles.

Retention period: 2 years. 26 CFR 175.64, 175.73, 175.74 (retention: 175.73)

**4.130 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 26 CFR Part 201).**

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices and delivery receipts (or bills of lading if delivered to a common carrier), and a daily recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338; (c) work sheets from which grand totals of month's receipts and disposition are obtained; and (d) separate records and copies of monthly reports (Form 338) of all transactions in distilled spirits stored for export with benefit of drawback.

Retention period: Not less than 2 years. (a) 26 CFR 194.221, 194.225—194.230, 194.238; (b) 194.221, 194.234—194.238; (c) 194.230; (d) 194.283 (retention: 194.242)

**4.131 Wholesale dealers in wine and/or beer.**

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 26 CFR 194.222 (retention: 194.222, 194.242)

**4.132 Retail liquor dealers.**

To keep a complete record of all distilled spirits, wines, and beer received, showing the quantities thereof, from whom received, and the receiving dates; a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time; showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all full cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 26 CFR 194.238, 194.239 (retention: 194.242)

**4.133 Liquor dealers packaging alcohol for industrial uses.**

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of monthly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 26 CFR 194.271 (retention: 194.242)

**4.134 Proprietors of vinegar factories.**

To keep daily records of operations, showing the kind and quantity of fer-

menting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

**4.135 Manufacturers and vendors of distilling apparatus.**

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.80, 196.82

**4.136 Manufacturers of nonbeverage products claiming drawback. [Amended]**

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 26 CFR 197.95, 197.99, 197.130—197.132 (retention: 197.133)

**4.137 Proprietors of volatile fruit-flavor concentrate plants. [Revised]**

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped.

(b) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.121—198.125 (retention: 198.121)

**4.138 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.**

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

**4.139 Persons receiving distilling material from the bonded premises of a distilled spirits plant.**

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

**4.140 Proprietors of distilled spirits plants.**

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 26 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616-201.620, 201.626, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date the spirits covered thereby are removed from the proprietor's bonded premises. 26 CFR 201.291, 201.292, 201.294, 201.295, 201.298, 201.302-201.308, 201.311-201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616-201.618, 201.622, 201.626-201.630, 201.632-201.635 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 26 CFR 201.322, 201.327, 201.336-201.338, 201.341-201.343, 201.346-201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616-201.618, 201.622, 201.624, 201.632, 201.633 (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years. 26 CFR 201.363, 201.364, 201.366-201.380, 201.381-201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616-201.618, 201.622, 201.624, 201.628, 201.629, 201.632, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including reddenation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 26 CFR 201.404, 201.406-201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616-201.618, 201.621, 201.626, 201.630, 201.632, 201.633 (retention: 201.612)

(f) *Operations on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, bottling, and removal of rectified and unrectified spirits and wines; tax payment; stamping; operational losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 26 CFR 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463-201.466, 201.470, 201.482-201.484, 201.487, 201.490, 201.492, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616-201.618, 201.623, 201.624, 201.627, 201.630, 201.632, 201.633 (retention: 201.612)

(g) *Taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises, and to keep copies of monthly reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.612, 201.614, 201.616, 201.618, 201.625 (retention: 201.612)

**4.141 Dealers in and users of completely denatured alcohol.**

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.118, 211.261, 211.273, 211.274 (retention: 211.273)

**4.142 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol.**

To keep such records as will enable an internal revenue officer to verify and trace the production, receipt, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.262, 211.273, 211.274 (retention: 211.273)

**4.143 Persons recovering completely denatured alcohol and articles.**

To keep such records as will enable an internal revenue officer to verify and trace recovery, reddenation (if any), and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 26 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

**4.144 Dealers in specially denatured spirits.**

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251-211.253, 211.255, 211.264, 211.270, 211.272-211.274, 211.285 (retention: 211.273)

**4.145 Users of specially denatured spirits.**

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including reddenation), lost, and otherwise disposed of, and (b) products manufactured and the disposition of such products.

Retention period: 3 to 6 years. 26 CFR 211.168, 211.212, 211.214, 211.215, 211.218, 211.241-211.243, 211.251-211.253, 211.255, 211.265, 211.267, 211.271-211.274 (retention: 211.273)

**4.146 Reprocessors, repackagers and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.**

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 26 CFR 211.265-211.267, 211.272-211.274 (retention: 211.273)

**4.147 Dealers in and users of proprietary solvents and special industrial solvents.**

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 26 CFR 211.268, 211.272-211.274 (retention: 211.273)

**4.148 Users of tax-free alcohol.**

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including restoration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 26 CFR 213.116, 213.134, 213.151-213.153, 213.161-213.163, 213.165, 213.171-213.176 (retention: 213.175)

**4.149 Proprietors of taxpaid wine bottling houses.**

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.110-231.114 (retention: 231.114)

**4.150 Persons (other than proprietors of bonded wine cellars) producing wine for family use.**

To keep the copy of the registration (Form 1541), with production data entered thereon, at the place of manufacture.

Retention period: Not specified. 26 CFR 240.542

**4.151 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.**

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 26 CFR 240.546-240.549, 240.731, 240.732, 240.924 (retention: 240.924)

**4.152 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.**

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 26 CFR 240.656, 240.657

**4.153 Proprietors of bonded wine cellars.**

(a) Production of wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit or juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, and other materials used in production of wine and allied products and in cellar and finishing operations; fermentation; wine in reserve; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines.

Retention period: 3 to 6 years. 26 CFR 240.362, 240.367, 240.369, 240.370, 240.372, 240.375-240.379, 240.382-240.385, 240.402, 240.408, 240.409, 240.443, 240.484-240.487, 240.491, 240.525-240.527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832-240.834, 240.836, 240.837, 240.890, 240.892, 240.900, 240.904, 240.906-240.911, 240.913-240.919, 240.922-240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine and wine spirits on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 26 CFR 240.534, 240.561, 240.751, 240.753, 240.783, 240.786-240.789, 240.804, 240.854-240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922-240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine and wine spirits, including transfers between bonded premises, return of wine to bonded storage, taxpayment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 26 CFR 240.590-240.592, 240.600, 240.613-240.615, 240.618, 240.619, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722, 240.726, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761-240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900-240.902, 240.904, 240.920, 240.922-240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR 240.801, 240.921-240.925 (retention: 240.924)

**4.154 Brewers. [Revised]**

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast, malt syrup, and other articles; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; beer consumed at the brewery; and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136, 245.145-245.148, 245.152, 245.153, 245.155, 245.157, 245.158, 245.161, 245.205-245.208, 245.210, 245.215, 245.225-245.227, 245.230, 245.232, 245.233, 245.243, 245.245 (retention: 245.232)

**4.155 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.**

To keep file copies of Forms 2899, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.79 (retention: 250.276)

**4.156 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.**

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

**4.157 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.**

To keep file copies of Forms 2900 and 2928.

Retention period: Not less than 2 years. 26 CFR 250.94 (retention: 250.276)

**4.158 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.**

To keep file copies of Forms 2900 and 2930.

Retention period: Not less than 2 years. 26 CFR 250.103 (retention: 250.276)

**4.159 Shippers of liquors and articles of Puerto Rican manufacture to the United States.**

To keep file copies of Form 487B. Retention period: Not less than 2 years. 26 CFR 250.116 (retention: 250.276)

**4.160 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).**

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealer).

Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.242)

**4.161 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.**

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 26 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273 (retention: 201.612)

**4.162 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.**

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

**4.163 Importers of distilled spirits.**

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 251.130, 251.131 (retention: 251.137)

**4.164 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).**

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

**4.165 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code importing liquors.**

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

**4.166 Importers of liquors.**

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.136, 251.137 (retention: 251.137)

**4.167 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.**

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

**4.168 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.**

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 26 CFR 252.45

**4.169 Proprietors of distilled spirits plants.**

(1) To keep a copy of each Form 206 (with attached Form 2630, if any) covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

**4.170 Proprietors of bonded wine cellars.**

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

**4.171 Brewers. [Revised]**

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146, 252.150f-252.150h (retention: 252.45)

**4.172 Proprietors of export storage.**

To keep a copy of each Form 1656 relating to transfers of distilled spirits.

Retention period: Not less than 2 years. 26 CFR 252.187, 252.188 (retention: 252.45)

**4.173 Exporters of distilled spirits bottled or packaged, or restamped and marked, especially for export with benefit of drawback.**

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.195 (retention: 252.45)

**4.174 Exporters of wine.**

To keep a copy of each Form 1582-A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

**4.175 Brewers.**

To keep a copy of each Form 1582-B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.225-252.227 (retention: 252.45)

**4.176 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.**

To keep a copy of each requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

**TOBACCO**

**4.177 Manufacturers of tobacco products.**

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to remove tobacco products in bond for experimental purposes, to ship tobacco materials for experimental or display purposes, and to destroy tobacco materials and tobacco products without supervision.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 270.45, 270.46, 270.232, 270.253, 270.262, 270.264 (retention: 270.185)

**4.178 Manufacturers of tobacco products.**

To keep receipted copy of each semi-monthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

**4.179 Manufacturers of tobacco products.**

To keep daily records of his operations, either commercial records or internal revenue Forms 3063, 3064, 3065, or 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of tobacco products removed subject to tax, and separate records with respect to Puerto Rican tobacco products released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.184, 275.139 (retention: 270.185, 275.22)

**4.180 Manufacturers of tobacco products.**

To keep a copy of each verified inventory, Form 3067, made.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

**4.181 Manufacturers of tobacco products.**

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering tobacco products of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

**4.182 Manufacturers of tobacco products.**

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281, 270.282, 270.283, 270.284 (retention: 270.185)

**4.183 Manufacturers of tobacco products.**

To keep a copy of each notice of release, Form 2145, Form 3072, customs form, or written certification (as the case may be) covering the release of imported or Puerto Rican tobacco products, cigarette papers and tubes, and tobacco materials, from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.91, 275.137, 275.145 (retention: 275.22)

**4.184 Manufacturers of tobacco products.**

To keep a copy of each notice of removal, Form 2149, covering shipment of tobacco products removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

**4.185 Manufacturers of tobacco products.**

To keep a supporting record showing appropriate entries with respect to removals of tobacco products, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

**4.186 Manufacturers of cigarette papers and tubes.**

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release of imported or Puerto Rican cigarette papers and tubes from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.86, 275.137 (retention: 275.22)

**4.187 Manufacturers of cigarette papers and tubes.**

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

**4.188 Manufacturers of cigarette papers and tubes.**

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 285.34a, 285.35 (retention: 285.31)

**4.189 Manufacturers of cigarette papers and tubes.**

To keep a copy of each verified inventory, Form 2132, made.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

**4.190 Manufacturers of cigarette papers and tubes.**

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.139, 285.101 (retention: 275.22, 285.31)

**4.191 Manufacturers of cigarette papers and tubes.**

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.141, 285.111 (retention: 275.22, 285.31)

**4.192 Manufacturers of cigarette papers and tubes.**

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171, 285.172, 285.173, 285.174 (retention: 285.175)

**4.193 Manufacturers of cigarette papers and tubes.**

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

**4.194 Manufacturers of cigarette papers and tubes.**

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

**4.195 Dealers in tobacco materials.**

To keep a copy of each customs form or written certification by which release from customs custody of imported or Puerto Rican tobacco materials, without payment of tax, is effected.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.91, 275.145 (retention: 275.22)

**4.196 Dealers in tobacco materials.**

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 2 years following close of year in which operation under the authorization is concluded. 26 CFR 280.43, 280.43a (retention: 280.127)

**4.197 Dealers in tobacco materials.**

To keep a record of tobacco materials received, lost or destroyed, and shipped or delivered.

Retention period: 2 years after close of year covered in the record. 26 CFR 280.127

**4.198 Dealers in tobacco materials.**

To keep copy of shipper's export declaration, Commerce Form 7525-V and Post Office Department Form 3817, covering shipments of tobacco materials for export.

Retention period: 2 years following close of calendar year in which shipment was made. 26 CFR 290.171, 290.172

**4.199 Importers of tobacco materials, tobacco products, and cigarette papers and tubes.**

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

**4.200 Persons filing claims for tax assessed or paid on imported tobacco products and cigarette papers and tubes.**

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

**4.201 Farmer's or grower's agents and associations of farmers or growers of leaf tobacco.**

To keep records of all receipts and sales of tobacco.

Retention period: 2 years following close of year covered in such records. 26 CFR 280.52, 280.53

**4.202 Proprietors of bonded internal revenue tobacco export warehouses.**

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Forms 2149 and 2150, covering receipt of tobacco articles from a manufacturer, another export warehouse, or customs warehouse proprietor, and of each Form 2150 covering tobacco articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.142, 290.199, 290.200

**4.203 Proprietors of bonded internal revenue tobacco export warehouses.**

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

**4.204 Proprietors of bonded internal revenue tobacco export warehouses.**

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

**4.205 Proprietors of customs bonded manufacturing warehouse, class 6.**

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.257, 290.266, 290.267

**FIREARMS**

**4.206 Persons responsible for returns and payment of tax on sales of pistols and revolvers.**

To keep such records and memoranda as will clearly show the amount of the sales of pistols and revolvers for each month; evidence of the right to exemption from the tax; and a complete and detailed record of overpayments for which credits are taken. A duplicate of the return shall also be kept.

Retention period: 4 years from the date the tax becomes due and, with re-

spect to credits, 4 years from the date the credit is taken. 26 CFR (1939) 302.9, 302.12, 302.15

#### 4.207 Persons making exports of pistols and revolvers.

(a) *Manufacturers selling pistols and revolvers for export and in due course so exported.* To preserve the orders or contracts of sale, and certificates with respect to shipment to a foreign destination, and "proofs of exportation."

(b) *Persons, other than manufacturers, exporting pistols and revolvers.* To carefully preserve in their own files copies of export bills of lading or other shipping documents and all other papers bearing on the transactions.

Retention period: Not specified. 26 CFR (1939) 302.16, 302.17, 302.18

#### 4.208 Licensed firearms manufacturers and dealers.

To maintain complete and adequate records reflecting the production or receipt (whether by importation, acquisition from other licensees, or otherwise), and the disposition, at wholesale or retail, of all firearms (including firearms in an unassembled condition) received or disposed of in the course of business.

Retention period: 10 years from date transaction occurs. Upon discontinuance of business records must be delivered to successor, or, if discontinuance of the business is absolute, to Director, Alcohol and Tobacco Tax Division. 26 CFR 177.51

#### 4.209 Applicants for exemption from firearms transfer tax.

To retain a duplicate copy of the application for exemption, giving a description of the firearm, names and addresses of transferor and transferee, date of transfer, basis of exemption, and any other evidence the Director, Alcohol and Tobacco Tax Division, may require.

Retention period: Not specified for transferor. Transferee retains for duration of his ownership of firearm. 26 CFR 179.105

#### 4.210 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.150

#### 4.211 Manufacturers, importers, and dealers of firearms (including pawnbrokers) making returns on the manufacture, receipt, transfer, or other disposition of firearms.

To keep duplicate copy of the return, whether of individual transaction or a daily summary of transactions.

Retention period: At least 4 years. 26 CFR 179.151

### 5. Office of Foreign Assets Control

#### 5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations and Cuban Assets Control Regulations. [Revised]

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: Shall be available for examination at least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804

### 6. Office of Domestic Gold and Silver Operations

#### 6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

#### 6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the mint at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

#### 6.3 [Deleted]

### 7. Bureau of Narcotics

#### 7.1 Importers of crude opium or coca leaves.

To keep quintuplicate copy of permit to import.

Retention period: 2 years. 21 CFR 302.10 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

#### 7.2 Exporters of narcotic drugs.

To keep triplicate copy of export permit.

Retention period: 2 years. 21 CFR 302.21 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

#### 7.3 Exporters of narcotic drugs.

To keep a record of any serial numbers that might appear on packages of narcotic drugs in quantities of one ounce or more in such manner as will identify the foreign consignee.

Retention period: Permanent. 21 CFR 302.27 (retention: 26 CFR 151.132)

#### 7.4 Importers of special coca leaves.

To keep duplicate copy of quarterly return accounting for all transactions involving such leaves or substances derived therefrom containing narcotic drugs.

Retention period: 2 years. 21 CFR 302.46 (retention: 26 U.S.C. (I.R.C. 1954) 4705)

#### 7.5 Registrants surrendering heroin to Commissioner of Narcotics.

To keep duplicate copy of inventory of heroin shipped.

Retention period: 2 years. 21 CFR 306.2

#### 7.6 Forfeiture of narcotic drugs.

To keep triplicate copy of inventory made at time of confiscation of narcotic drugs.

Retention period: Not less than 2 years. 21 CFR 307.112

#### 7.7 Manufacture of narcotic precursors.

To keep a record of the quantity of precursors manufactured or otherwise acquired.

Retention period: Not less than 2 years. 21 CFR 307.141

### 8. Bureau of the Public Debt

#### 8.1 Banks receiving bearer securities for restrictive endorsement.

To retain the original and triplicate copies of lists of securities presented to the Federal Reserve Bank or Treasurer of the United States and photographic reproductions of the endorsed securities, when made by the banks for their own protection, the original copy of the list and prints of any photographic reproductions made to be used to support an application for relief on account of loss, theft, or destruction of endorsed securities, as provided in 31 CFR 328.7.

Retention period: Until the transaction is completed by receipt of payment or receipt of the securities issued in exchange. 31 CFR 328.5

#### 8.2 Treasury savings stamp agents selling U.S. savings stamps in schools.

To keep (a) cancelled receipts returned by post office covering stamps obtained and fully accounted for and (b) original and duplicate copy of monthly record of unsold stamps and/or proceeds of stamps sales shipped or otherwise delivered to the post office during month (Form PD 2950).

Retention period: (a) 1 calendar month after receipt is returned and (b) 1 calendar month after date last shipment is recorded on monthly record or, if stamps or proceeds of stamp sales are lost, stolen, or destroyed in transit or for other reason stamps are not accounted for in full, 1 calendar month after deficiency is removed. 31 CFR 338.9

### 9. United States Coast Guard

#### 9.1 Certificates or documents issued by Coast Guard.

Certificates or documents issued to the public, as required by laws, rules, or regulations, shall be retained for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95-1

**9.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.**

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10-16, 31.37-75, 71.25-25, 71.47-75, 91.25-25, 91.37-75 (retention: 2.95-5)

**9.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.**

To keep on board records of required tests and inspections of all firefighting equipment.

Retention period: Shall be kept for the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10-18, 78.17-80, 97.15-60

**9.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans.**

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37-15, 31.37-20, 71.47-15, 71.47-20, 91.37-15, 91.37-20 (retention: 2.95-5)

**9.5 Masters of tank vessels or vessels towing tank barges transporting inflammable or combustible cargo.**

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the

kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: During period of transportation or storage. 46 CFR 35.01-10 (retention: 2.95-5)

**9.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills to log such drills.**

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.07-5, 35.07-10, 35.10-5, 78.17-50, 78.37-3, 78.37-5, 97.15-35, 97.35-3, 97.35-5

**9.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties.**

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft, aids to mariners, radiograms sent and received, the radio log, and crew and passenger lists.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15-1, 78.07-15, 97.07-15, 136.05-15, 167.65-65

**9.8 Masters or senior deck officer of tank ships in charge of transfer of inflammable and combustible cargo.**

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: During period of transportation or storage. 46 CFR 35.35-30

**9.9 Fabricators to keep welders' qualification test records.**

To maintain qualification test records with identification data.

Retention period: For period of validity of welder's certificate. 46 CFR 56.01-10 (retention: 2.95-5)

**9.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."**

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 57.30-35

**9.11 Masters of passenger vessels other than those making foreign or intercoastal voyages.**

To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 78.37-3

**9.12 Masters of passenger vessels where an official log book is not required (except ferry vessels).**

To keep a record of the correct count of all passengers received and delivered

from day to day. This record shall be open to inspection by the Coast Guard at all times.

Retention period: 1 year after date to which the records refer. 46 CFR 78.37-10

**9.13 Owners, masters, or persons in charge of passenger vessels required to display plans.**

To keep on board a vessel of 1,000 gross tons and over, and a vessel of any tonnage on an international voyage for guidance of officer in charge the general arrangement plans.

Retention period: At all times vessel is in navigation. 46 CFR 78.45-1

**9.14 Masters of cargo and miscellaneous vessels other than those making foreign or intercoastal voyages.**

To have official log book (or equivalent) available for review by Coast Guard Inspectors.

Retention period: At least 1 year after last date to which record refers. 46 CFR 97.35-3

**9.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges and magazine vessels).**

To keep records of temperature readings.

Retention period: 1 year. 46 CFR 146.02-12

**9.16 Owners of vessels.**

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02-22

**9.17 Persons or corporations chartering or engaging or contracting for the use of vessels under such terms and conditions that they have full and exclusive control of the management and operation thereof.**

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers and records as required to be prepared.

Retention period: 1 year. 46 CFR 146.02-22

**9.18 Vessel operators.**

To keep copies of delivery receipts covering domestic deliveries and exportation of explosives or other dangerous articles or substances, and combustible liquids.

Retention period: 1 year. 46 CFR 146.05-12, 146.05-13

**9.19 Owners, charterers, agents, or masters of vessels.**

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05-12

**9.20 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.**

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06-12

**9.21 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.**

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06-18 (retention: 146.02-22)

**9.22 Vessel owners, charterers, or agents.**

To keep ashore copies of cargo stowage plans or lists.

Retention period: 1 year. 46 CFR 146.06-19 (retention: 146.02-22)

**9.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.**

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160-164.

## XI. ATOMIC ENERGY COMMISSION

**1.1 Cost-type contractors.**

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Until disposal is authorized by the Commission. 10 CFR 5.509

Cost-type contractors and subcontractors are also required to retain records in accordance with the provisions of their contracts or subcontracts. AEC Manual Chapter Appendix 0230 contain established retention periods for more than 900 record items of cost-type contractors and subcontractors.

**1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.**

To maintain records (a) used in preparing Form AEC-4, "Occupational External Radiation Exposure History;" (b) showing the radiation exposures of all individuals for whom personnel monitoring is required under 10 CFR 20.202; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and

(d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: (a), (c), and (d)—until disposal is specifically authorized by the Commission; (b)—until December 31, 1965, or until a date 5 years after termination of the individual's employment, whichever is later (prior to December 31, 1965, the Commission may amend the regulations to assure the further preservation of records). (a) 10 CFR 20.102; (b), (c), and (d) 10 CFR 20.401

**1.3 Holders of access permits.**

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 25.23, 95.34

**1.4 Persons receiving byproduct material pursuant to license.**

To maintain (a) records of all tests performed on generally licensed devices as required under section 30.21; (b) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; and (c) records showing receipt, transfer, export, and disposal of such byproduct material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 30.21; (b) 10 CFR 30.31; (c) 10 CFR 30.41

**1.5 Licensees utilizing sealed sources of byproduct material for radiography.**

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys required under 10 CFR 31.303(c).

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 31.104; (b) 10 CFR 31.105; (c) 10 CFR 31.106; (d) 10 CFR 31.107; (e) 10 CFR 31.203; (f) 10 CFR 31.303

**1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.**

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 40.41; (b) 10 CFR 40.61

**1.7 Licensees and holders of construction permits.**

To maintain such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 50.71

**1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.**

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

**1.9 Licensees receiving special nuclear material.**

To keep (a) such records of receipt, possession, use, and transfer of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, and transfer of special nuclear material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 70.32; (b) 10 CFR 70.51

**1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.**

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 115.51

**1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.**

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors.

To keep directly pertinent books, documents, papers, and records.

Retention period: The General Accounting Office shall, until the expiration of 3 years after final payment, have access to and the right to examine the above-mentioned records, provided that earlier disposal of contractor and subcontractor records is possible in accordance with records disposal schedules agreed upon between the Commission and the General Accounting Office. 42 U.S.C. 2206

## XII. CIVIL AERONAUTICS BOARD

### 1.1 Certificated route and supplemental air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.8, 249.13

(b) To keep general books of account and supporting books, records, and memorandums including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, memorandums, etc.

Retention period: Various. 14 CFR 241.1-5, 249.8, 249.13

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5, 249.8, 249.13

1.2 Certificated route local service air carriers; certificated route air carriers furnishing transportation within Hawaii or Alaska; certificated route helicopter air carriers; and one certificated route air carrier furnishing the major portion of its certificated air transportation between Hawaii and Christmas Island, Society Islands, American Samoa, Western Samoa, or Fiji.

To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided.

Retention period: Not specified. 14 CFR 225.10

1.3 U.S. air carriers authorized to perform transatlantic charter flights.

To preserve every charter contract and related information including post-flight reports, vouchers, passenger manifests and proof of agents' commissions.

Retention period: 2 years. 14 CFR 249.10

1.4 Foreign air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it con-

curs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.12

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memorandums.

Retention period: 3 years. 14 CFR 223.5, 249.12

1.5 Foreign air carriers (operating off-route charter trips).

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: Not specified. 14 CFR 212.7

1.6 Holders of permits to operate foreign aircraft in the United States.

To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: Not specified. 14 CFR 249.11, 375.50

1.7 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs; to keep a file of current tariffs at all places where tickets are sold or property is received for transportation.

Retention period: Permanent. 14 CFR 221.170, 221.171, 249.9

(b) To keep records of (1) shipping documents; (2) information to agents, representatives and the public; (3) agreements; and (4) correspondence relating to the foregoing.

Retention period: 1 year, or longer if requested by the Board. 14 CFR 249.9

(c) To keep corporate and general records.

Retention period: Various. 14 CFR 249.13

(d) To keep records of joint loaded shipments.

Retention period: 2 years subsequent to expiration of each calendar quarter during which joint shipments were made. 14 CFR 249.9

1.8 Operators of aircraft involved in accidents. [Revised]

To preserve aircraft wreckage, cargo and mail aboard the aircraft.

Retention period: Until released by authorized representative of the Civil Aeronautics Board or the Federal Aviation Agency. 14 CFR 320.10, 320.11

## XIII. COMMITTEE ON PURCHASES OF BLIND-MADE PRODUCTS

1.1 National Industries.

To maintain a record of all qualifying agencies for the blind and such necessary data as will enable it to equitably allocate

orders among such agencies for the blind.

Retention period: Not specified. 41 CFR 51-1.4

1.2 Agencies for the blind (employing blind to extent of 75 percent of hours of employment of personnel in direct labor) selling to Government agencies and participating in the program of the Committee on Purchases of Blind-Made Products.

To keep accounting system records from which can be drawn annually a financial report and operating statement accurately reflecting operations.

To keep eye record cards containing information establishing that employees are blind (as defined in 41 CFR 51-1.1).

Retention period: Not specified. 41 CFR 51-1.9

## XIV. FEDERAL AVIATION AGENCY

1.1 Air carriers operating turbine-powered transport airplanes under provisional type certification.

To maintain records pertaining to the qualifications of each flight crew member, a log of flights, and complete and accurate records of inspections.

Retention period: Not specified. 14 CFR Parts 1, 4b, 40-42—Special Civil Air Regulation SR-425 C

1.2 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 1.15-4

1.3 Aircraft and related products manufacturers.

To maintain records of all materials and parts received and their disposition including such information as source, source inspection, receiving inspection, quantity (both accepted and rejected), vendor's affidavits, or reports indicating conformity with pertinent specifications.

Retention period: At least 2 years. 14 CFR 1.32-1

1.4 Aircraft and related products manufacturers.

To maintain adequate records of inspections and tests performed identifiable with the completed product.

Retention period: At least 2 years. 14 CFR 1.34-2

1.5 Distributors of aircraft received prior to initial assembly and flight test.

To maintain records of flight test check-off forms.

Retention period: At least 2 years. 14 CFR 1.34-2

1.6 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 1.55-3

**1.7 Airplane manufacturers.**

To keep record of flight flutter tests. Retention period: Permanent. 14 CFR 3.311-2

**1.8 Airplane flight test applicants under the Civil Air Regulations, transport category.**

To keep a log of all flight tests and accurate and complete records of the inspections made and of all defects, difficulties, and unusual characteristics and sources of crew error discovered during the tests, and of the recommendations made and action taken.

Retention period: Not specified. 14 CFR 4b.16-3

**1.9 Air carrier aircraft owners or operators.**

To keep records pertaining to the maintenance, repair, rebuilding, or alteration of any airframe, powerplant, propeller, or appliance giving description of work performed, completion date of work done, name of individual, etc., doing work and signature of person authorized to approve work done; and a record of periodic and progressive inspections.

Retention period: (a) Records of major structural repairs and major alterations—until aircraft is sold (records to be transferred to new owner or operator), or if the aircraft is retired, 1 year after cancellation of registration certificate; (b) records of maintenance performed—1 year; (c) records of X-rays and other special tests relating to aircraft designated as critical components—until components are sold (records to be transferred to new owner or user), or if components are retired, 1 year from date of retirement or date of cancellation of the registration certificate. 14 CFR 18.20-18.24 (retention: 18.24)

**1.10 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.**

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA-337 or equivalent) and when an official maintenance release is furnished owner for retention as a part of the permanent record required.

Retention period: At least 2 years. 14 CFR 18.22-2

**1.11 Air carriers (scheduled interstate).**

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 40.208

**1.12 Air carriers (scheduled interstate).**

To keep as a part of the individual's record the instructor, supervisor, or check airmen's certificate of proficiency for particular training or flight check of each crew member and dispatcher, furnished under air carrier training and pilot check programs.

Retention period: At least 3 months after termination of employment. 14 CFR 40.280, 40.289, 40.300 (retention: 40.501)

**1.13 Air carriers (scheduled interstate).**

To maintain current records of every crew member and aircraft dispatcher, showing compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and disposition of disqualified flight crew members or aircraft dispatchers.

Retention period: At least 3 months after termination of employment. 14 CFR 40.501

**1.14 Air carriers (scheduled interstate). [Amended]**

To maintain a list of airplanes in current operation and airplanes operated under interchange agreements, a load manifest and flight plan, maintenance records, including the airplane's maintenance log and a maintenance release, and records pertaining to radio contacts by or with pilots en route.

Retention period: In accordance with provisions of Part 249 unless otherwise specified. 14 CFR 40.502, 40.505-40.507, 40.511, 40.512

**1.15 Air carriers (operating scheduled air transportation outside continental United States). [Amended]**

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or the Civil Aeronautics Board. 14 CFR 41.210

**1.16 Air carriers (operating scheduled air transportation outside continental United States). [Revised]**

To maintain a list of airplanes in current operation and airplanes operated under interchange agreements, and records of total time in service, time since last overhaul, and time since last inspection on major components of airframe, engines, propellers, and where practicable, appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 41.502, 41.506, 41.507

**1.17 Air carriers (operating scheduled air transportation outside continental United States). [Revised]**

(a) To retain copies of load manifests, dispatch release forms, and flight plans. Retention period: 3 months. 14 CFR 41.505

(b) To retain copies of maintenance release forms. Retention period: 2 months. 14 CFR 41.511

**1.18 Air carriers (operating scheduled air transportation outside continental United States). [Amended]**

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 41.512

**1.18a Air carriers (operating scheduled air transportation outside continental United States). [Added]**

To maintain current records of crewmembers and aircraft dispatchers containing information showing compliance with requirements of 14 CFR, Chapter I,

and indicating release or disqualification of crewmembers and dispatchers.

Retention period: 6 months. 14 CFR 41.501

**1.19-1.22 [Deleted]****1.23 Commercial operators and air taxi operators; small aircraft. [Revised]**

To keep at principal operations base maintenance records with respect to all aircraft, aircraft engines, propellers, and, where practicable, appliances used in air transportation.

Retention period: 2 years. 14 CFR 42a.91, 42a.91-3

**1.24 Commercial operators and air taxi operators; small aircraft. [Revised]**

To maintain at its principal operations base or at such other location used by the air carrier as the Administrator may designate, current records of every airman utilized as a member of a flight crew.

Retention period: 1 year after flight crew member is released from employment or becomes physically or professionally disqualified. 14 CFR 42a.92, 42a.92-1 (retention: 42a.92-3)

**1.25 Commercial operators and air taxi operators; small aircraft. [Revised]**

To retain copy of report to Administrator regarding emergency flights necessitating the transportation of persons or medical supplies for the protection of life or property.

Retention period: 1 year. 14 CFR 42a.93, 42a.93-1

**1.26 Commercial operators and air taxi operators; small aircraft. [Revised]**

To retain copy of pilot's emergency deviation report to the local inspector.

Retention period: At least 1 year. 14 CFR 42a.94, 42a.94-1

**1.27 Commercial operators and air taxi operators; small aircraft. [Revised]**

To retain a copy of the flight manifest for large aircraft and passenger-carrying aircraft operating under instrument flight rules conditions.

Retention period: At least 1 year after completion of the flight. 14 CFR 42a.95

**1.28 Registered owners or operators of civil aircraft. [Amended]**

To keep maintenance records, including a current record of total time spent in service on the aircraft and on each engine; a record of inspections; and a record of maintenance, repair, and alterations of aircraft for which airworthiness certificates have been issued.

Retention period: Not specified except for the maintenance, repair, and alteration record, which is to be permanent. 14 CFR 91.173 [New]

**1.29 Air carriers and commercial operators. [Amended]**

To retain information taped by flight recorders in certain airplanes used in operations conducted in accordance with the general operations rules of Part 43.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation

Agency or the Civil Aeronautics Board. 14 CFR 91.35 [New]

**1.30 Air carriers (utilizing helicopters in scheduled interstate air transportation).**

To keep maintenance records (including a maintenance log) of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, powerplants, rotors, and appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 46.500, 46.506, 46.507

**1.31 Air carriers (utilizing helicopters in scheduled interstate air transportation).**

To maintain records of every crew member including information concerning the qualifications of crew members as is necessary to show compliance with the appropriate requirements of Subchapter A—Civil Air Regulations and information concerning the disposition of disqualified crew members released from employ of the air carrier.

Retention period: At least 3 months. 14 CFR 46.501

**1.32 Air carriers (utilizing helicopters in scheduled interstate air transportation).**

To retain copies of load manifest, flight release, and maintenance release forms.

Retention period: At least 60 days. 14 CFR 46.505, 46.511

**1.33 Air carriers. [Amended]**

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3 [New]

**1.34 Applicants for pilot certificate.**

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, including such general data as points of departure and arrival, duration, type of aircraft, and identification mark; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.39 [New]

**1.35 Airline transport pilots.**

To keep an accurate and legible record of flying time in a bound logbook arranged for easy reference.

Retention period: Not specified. 14 CFR 61.41 [New]

**1.36 Flight instructors.**

To maintain separately or in his logbook a record of (a) the name of each student pilot to whom he has given flight instruction and whose certificate he has endorsed, the type of endorsement, and the date of each endorsement or flight instruction period, and (b) the name of each student pilot for which he has signed a recommendation for a flight test, the kind of test, and the date of recommendation.

Retention period: So long as he continues to be a flight instructor or for 3 years, whichever is shorter. 14 CFR 61.173 [New]

**1.37 Flight navigator course operators.**

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 63 [New], Appendix B, para. (f)

**1.38 Certificated parachute riggers.**

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.

Retention period: At least 2 years after the date of the record. 14 CFR 65.131 [New]

**1.39 Aircraft dispatcher course operators.**

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: Not specified. 14 CFR 65 [New] Appendix A, para. (g)

**1.40 Certificated pilot schools.**

To keep a current and accurate record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades.

Retention period: Not specified. 14 CFR 141.21 [New]

**1.41 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.**

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43 [New]

**1.42 Certificated domestic repair stations.**

To maintain adequate records of work performed.

Retention period: At least 2 years. 14 CFR 145.61 [New]

**1.43 Certificated foreign repair stations.**

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79 [New]

**1.44 Certificated aircraft mechanic schools.**

To keep a current record of each student enrolled showing his attendance, courses, tests, and grades, and authenticated transcript of his grades; and a current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student.

Retention period: At least 2 years after the end of the student's enrollment. 14 CFR 147.33 [New]

**1.45 Holders of parachute loft certificates.**

To maintain records of work performed.

Retention period: At least 2 years. 14 CFR 149.15 [New]

**1.46 Owners of nondirectional radio beacon facilities.**

To keep records and/or reports of each facility as follows: (a) Record of Meter Readings and Adjustments—Form FAA-198 (one copy); (b) Maintenance Log of Communication Facilities—Form FAA-406C (original); and (c) Radio Transmitter Operation Record—Form FAA-418 (original), or their equivalents.

Retention period: Permanent for (a) and (b); not specified for (c). 14 CFR 407.17

**1.47 Owners of instrument landing system facilities.**

To keep records and/or reports of each facility as follows: (a) Record of Meter Readings and Adjustments—Form FAA-198 (one copy); (b) Maintenance Log of Communication Facilities—Form FAA-406C (original log); and (c) Radio Transmitter Operation Record—Form FAA-418 (original), or their equivalents.

Retention period: Permanent for (a) and (b); not specified for (c). 14 CFR 407.27

**1.48 Manufacturers of aircraft.**

To keep at factory, for all models type certificated under the delegation option procedures, current records containing the following: (a) Technical data file for each type aircraft, (b) complete inspection record for each airplane produced, (c) report required to be submitted with the original application for the production certificate, (d) factory inspection reports, (e) records of all major repairs and alterations performed.

Retention period: Technical data, report submitted with application, and repair records, for duration of manufacturers operations; inspection records, 2 years. 14 CFR 410.32, 410.33, 410.38

**1.49 Contractors for construction of public airports.**

To keep payroll records during the course of the work for all laborers and mechanics as specified in the section cited.

Retention period: 3 years. 14 CFR 151.49 [New]

**1.50 Sponsors of the construction of public airports.**

To keep records of all affidavits and copies of payroll furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53 [New]

**1.51 Sponsors of the construction of public airports.**

To retain in its files documentary evidence such as invoices, cost estimates and payrolls supporting each item for project cost. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants and receipts for cash payments.

Retention period: 3 years after final grant payment. 14 CFR 151.55 [New]

1.52 [Deleted]

1.53 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Agency or Civil Aeronautics Board. 14 CFR 42.210

1.54 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To maintain current records of crewmembers containing information showing compliance with requirements of 14 CFR, Chapter I, and indicating release or disqualification of crewmembers.

Retention period: 6 months. 14 CFR 42.501

1.55 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To retain copies of load manifests; flight and maintenance release forms; and route certification and flight plans.

Retention period: 6 months. 14 CFR 42.505

1.56 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To keep current records of total time in service, time since last overhaul, and time since last inspection of major components of airframe, engines, propellers, and where practicable, appliances.

Retention period: In accordance with provisions specified in Part 249. 14 CFR 42.506, 42.507

1.57 Supplemental air carriers, commercial operators using large aircraft, and air carriers engaged in charter flights or other special services. [Added]

To retain copies of maintenance release forms.

Retention period: 2 months. 14 CFR 42.511

1.58 Commercial operators using large aircraft. [Added]

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 42.513

## XV. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations. [Amended]

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions

of instruments and procedures, signed by the engineers making measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 Licensees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations. [Amended]

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 73.63, 73.255, 73.555, 73.638, 73.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations. [Revised]

To keep (in the case of standard, FM, noncommercial educational FM, and television broadcast stations) program, operating, and maintenance logs; and (in the case of international radio stations) program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years; *Provided, however*, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensees or permittees have been notified, shall be retained until they are specifically authorized in writing by the Commission to destroy them; *Provided, further*, That logs incident to or involved in any claim or complaint of which the licensees or permittees have been notified shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard and FM, noncommercial educational FM, radio, and television broadcast stations. [Amended]

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if requests granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of experimental and developmental, auxiliary, and special broadcast services, including experimental television broadcast, experimental facsimile broadcast, developmental, remote pickup, aural broadcast STL and intercity relay, television pickup, television STL, television intercity relay, television broadcast translator, television broadcast booster, and instructional television fixed stations. [Revised]

To keep adequate records of operation including logs.

Retention period: 2 years. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981

1.6 Licensees of low power broadcast auxiliary stations. [Amended]

To maintain records, at the main studio or transmitter of broadcast station

with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: Not specified. 47 CFR 74.437

1.7 Licensees of experimental stations.

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 5.165

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services. [Amended]

To keep station logs.

Retention period: 1 year; *Provided, however*, That logs involving communications incident to a disaster or which include communications incident to or involved in an investigation by the Commission and concerning which the licensee has been notified, shall be retained by the licensee until he is specifically authorized in writing by the Commission to destroy them; *Provided, further*, That logs incident to or involved in any claim or complaint of which the licensee has been notified shall be retained by the licensee until such claim or complaint has been fully satisfied or until same has been barred by statute limiting the time for filing of suits upon such claims. 47 CFR 23.47

1.10 Licensees of radio stations on land in the maritime services including public and limited coast stations, marine-utility stations, marine fixed stations, marine receiver-test stations and stations operated in the land mobile service for maritime purposes using radiotelegraphy or radiotelephony (including developmental stations and coast and fixed stations in Alaska). [Amended]

To keep accurate logs.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully

satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 81.115, 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.536, 85.109, 85.115

**1.11 Licensees of limited coast stations or marine-utility stations used on shore. [Amended]**

To keep copy of agreement with vessel owners, verifying that licensee has sole right of control of involved ship radio station.

Retention period: Not specified. 47 CFR 81.352

**1.12 Licensees of limited coast stations, marine-utility stations, and marine fixed stations. [Amended]**

To keep records which reflect the cost of the service and its nonprofit, cost-sharing cooperative arrangement or provisions of radio communications service.

Retention period: Not specified. 47 CFR 81.352, 81.451

**1.13 Licensees of radiotelegraph, radio-telephone, and radar stations on shipboard in the maritime services including public and limited ship stations, marine utility ship stations, ship-radar stations, and developmental stations, including such stations in Alaska. [Amended]**

To keep accurate logs.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) Station logs involving communications incident to a distress or disaster shall be retained by the station licensee for a period of 3 years from date of entry; (b) station logs which include entries of communications incident to or involved in an investigation by the Commission and concerning which the station licensee has been notified shall be retained by the station licensee until such licensee is specifically authorized in writing by the Commission to destroy them; (c) station logs incident to or involved in any claim or complaint of which the station licensee has notice shall be retained by such licensee until such claim or complaint has been fully satisfied or until the same has been barred by the statute limiting the time for the filing of suits upon such claims; (d) a permanent installation and maintenance record is required to be kept at the station by the station licensee of each ship radar station. 47 CFR 83.115, 83.184, 83.330, 83.368, 83.405, 85.115

**1.14 Stations licensed in the aviation services. [Amended]**

All stations at fixed locations to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: The logs in the aviation services may be destroyed after a period of 30 days except: (a) That logs involving communications incident to a

disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) that logs incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 87.99, 87.101, 87.103

**1.15 Air carrier aircrafts. [Amended]**

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used.

Retention period: Not specified. 47 CFR 87.115

**1.16 Licensees of public safety and industrial radio services stations. [Revised]**

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of person or persons responsible for the foregoing; base and fixed stations (except such stations in the public safety services authorized to be operated at temporary locations or for unattended operation and except such stations in the industrial radio service authorized to be operated at temporary locations)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty; for base stations in the industrial radio services—identification of other base stations or fixed stations with which they communicate, and date, time, and nature of such communication; and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160

**1.17 Licensees of industrial radio stations, land transportation (base) radio stations, and citizens radio stations sharing costs and facilities with other licensees in the same service. [Amended]**

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: The copy of the cooperative agreement shall be kept during the life of the agreement and 1 year thereafter, and the cost sharing records shall be retained for 1 year. 47 CFR 91.6, 91.160, 93.3, 93.160, 95.81(c)

**1.18 Nonprofit corporations or associations organized to operate industrial radio stations in the power, petroleum, forest product, motion picture, and relay press radio services. [Amended]**

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: Not specified. 47 CFR 91.251, 91.301, 91.351, 91.401, 91.451.

**1.19 Licensees of amateur radio stations. [Amended]**

To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided*, That those portions of any log covering operation of a station in connection with any actual condition jeopardizing the public safety or affecting the National Defense shall not be destroyed unless prior approval for such destruction shall have been received from the Commission. 47 CFR 97.103, 97.105, 97.209.

**1.20 Radio officers of amateur civil emergency services. [Amended]**

To keep records of secret, tactical, or abbreviated call signs or other distinctive signals of station identification.

Retention period: Not specified. 47 CFR 97.211, 97.213

**1.21 Manufacturers, owners, or distributors of radio receivers.**

To keep certificate of compliance with radiation interference limits.

Retention period: 5 years. 47 CFR 15.64

**1.22 Licensees in land transportation radio services. [Amended]**

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name of the person or persons responsible for the foregoing; base and fixed stations (except for such stations authorized for unattended operation)—names of persons responsible for the operation of the transmitting equipment, together with the period of their duty (except in the Railroad Radio Service); for base stations—identification of other base or fixed stations with which they communicate, and date, time, and nature of such communications (except in the Railroad Radio Service); and stations whose antenna structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 93.160

**1.23 Licensees of citizens radio service stations. [Amended]**

To keep a record of illumination for those stations whose antenna or antenna supporting structure is required to be illuminated.

Retention period: 1 year. 47 CFR 95.113

**1.24 Disaster communications service radio stations. [Amended]**

To keep a list of all general or collective call signs, unit designators, or authorized substitutes used.

Retention period: Not specified. 47 CFR 99.25

**1.25 Disaster communications service radio stations. [Amended]**

To keep an accurate log of all operations in the 1750-1800 kc band.

Retention period: 1 year, except that those portions of any disaster station log covering operation of such station in connection with any actual disaster shall not be destroyed unless prior approval for such destruction shall have been

received from the Commission. 47 CFR 99.27

**1.26 Licensees of radio stations in the domestic public radio services.**

To maintain a technical log of station operations as follows: For each station—results and dates of transmitter measurements, details of servicing and maintenance of transmitters which may affect proper station operation, and time and nature of failure or erratic operation of transmitter or automatic alarm facilities; for stations having obstruction lighted antenna structure—time of daily lighting and check of proper operation, details of obstruction light failure (if any) and repair details, and results of three-month periodic inspection (including date, condition of obstruction painting, lighting devices, indicators, and alarms, and details of adjustments, replacements, and repairs), and date and time of notice to the Federal Aviation Agency regarding failure of obstruction lighting and any resumption thereof; for stations required to maintain one or more control points—time and signature of person operating transmitting equipment each day, including class, serial number and expiration date of license if operator is required to be licensed, and identity of station or point to which transmission is made.

Retention period: 1 year: *Provided:* That (a) records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them, (b) records incident to, or involved in, any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 21.208

**1.27 Communication common carriers.**

To keep accounts, records, memoranda, documents, microfilm, correspondence, and related indexes prepared by or on behalf of the carrier as well as those which come into its possession, in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the period of time designated in the lists of records codified. 47 CFR 42.9

**1.28 Operators of industrial heating equipment.**

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

**XVI. FEDERAL DEPOSIT INSURANCE CORPORATION**

**1.1 Insured banks.**

Each insured bank, as a condition to the right to make any deduction, allowed

under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: No insured bank shall be required to retain such records for such purpose for a period in excess of 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

**1.2 Insured banks.**

To keep certified statement forms. Retention period: Same as for item 1.1. 12 CFR 304.3

**XVII. FEDERAL HOME LOAN BANK BOARD**

**1.1 Federal savings and loan associations.**

To keep at home office and branch offices complete records of all business transactions, and to keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.6-11, 545.13, 545.14, 545.15, 545.19, 545.20

**1.2 Federal savings and loan associations.**

To keep records of real estate loans in case of loans in excess of 80 percent of value showing date and amount of appraisal and date of approval of loan, and to retain all reports and certifications referring thereto.

Retention period: So long as the loan is outstanding and in any event for a period of 3 years from the date of any disbursements on the loan. 12 CFR 545.6-1

**1.3 Federal savings and loan associations.**

To keep records, certificates, and credit and financial reports relating to loans made to finance the acquisition and development of land for primarily residential use.

Retention period: Not specified. 12 CFR 545.6-14

**1.4 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.**

Signed appraisals of real estate loans located more than fifty miles from institution's principal office to be kept by insured institution.

Retention period: Not specified. 12 CFR 563.10

**1.5 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.**

To keep records of evidence of cost of give-away given in connection with the opening or increasing of an account.

Retention period: 2 years. 12 CFR 563.24

**1.6 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation.**

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

Retention period: Not specified. 12 CFR 563.25

**1.7 Federal savings and loan associations. [Added]**

To keep records for each real estate loan, the security for which includes one or more dwelling units.

Retention period: Not specified. 12 CFR 545.6-1

**1.8 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation. [Added]**

To keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution by any one borrower exceeds \$100,000.

Retention period: Not specified. 12 CFR 563.9-3

**1.9 Savings building and loan associations insured by the Federal Savings and Loan Insurance Corporation. [Added]**

To establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, to establish and maintain records with respect to: (1) loans on the security of real estate, (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured accounts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17-1

**XVIII. FEDERAL MARITIME COMMISSION [Added]**

**1.1 Independent ocean freight forwarders.**

To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding.

Retention period: 5 years. 46 CFR 510.23

## VIII. FEDERAL POWER COMMISSION

### 1.1 Public utilities and licensees.

Preservation of records.

Retention period: Specified at 18 CFR 125.1-125.3

See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

### 1.2 Natural gas companies.

Preservation of records.

Retention period: Specified at 18 CFR 225.1-225.3

See also Regulations to Govern the Preservation of Records of Natural Gas Companies, December 12, 1962. Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C.

## XIX. FEDERAL TRADE COMMISSION

### 1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

### 1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase.

Retention period: 3 years. 16 CFR 301.41

### 1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

### 1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

### 1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep records showing (a) identification of the class test; (b) fiber composition, construction, and finish type of the fabrics; (c) a swatch of each class of fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 302.8

### 1.6 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

### 1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

## XX. GENERAL ACCOUNTING OFFICE

### 1.1 Contractor using Government bill of lading as shipper.

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specific period. When the shipment is made under a Government contract not having a record retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.9

### 1.2 Contractors having Government contracts negotiated without advertising. [Amended]

To keep records pertaining to the contracted project. (This requirement does not apply to contracts involving the development of military installations and facilities in foreign countries excepted from the requirement pursuant to section 604 of the act of November 7, 1963, Public Law 88-174, 77 Stat. 307, 327. Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of

the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961, approved September 4, 1961, Public Law 87-195, 75 Stat. 424, 454, 22 U.S.C. 2393(a), as implemented by Executive Order No. 10784, October 1, 1958, 23 F.R. 7691 or under the Peace Corps Act, approved September 22, 1961, Public Law 87-293, 75 Stat. 612, 22 U.S.C. 2501 et seq., as implemented by Executive Order No. 11041, August 6, 1962, 27 F.R. 7859.)

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B-101404, September 8, 1952

### 1.3 Contractors.

Contracts and amendments to contracts made under authority of the act of August 28, 1958, 72 Stat. 972, shall include the following contract provision: The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract, and agrees to include similar provisions in all his related subcontracts. 50 U.S.C. 1433

### 1.4 Atomic Energy Commission contractors with negotiated contracts and subcontractors thereof (except foreign governments, agencies thereof, and contractors supplying source material with foreign producers).

Contract to include clause requiring retention of any directly pertinent books, documents, papers and records related to the contract or subcontract, for inspection by the Comptroller General or his representatives.

Retention period: 3 years after final payment unless agreement between the Commission and the General Accounting Office provides for earlier disposal. 42 U.S.C. 2206

### 1.5 Public Housing Administration contracts for loans or annual contributions under the United States Housing Act of 1937, as amended.

Contract to include clause permitting Comptroller General or his representatives access to and right to audit and examine any books, documents, papers, and records pertinent to operations with respect to financial assistance under the act.

Retention period: Not specified. 42 U.S.C. 1435

### 1.6 Federal Civil Defense Administration plans for financial contributions to States for personnel and administrative expenses under the Federal Civil Defense Act of 1950, as amended.

Plans submitted shall make available to Comptroller General or his represent-

ative books, records and papers necessary to audit under the act.

Retention period: Not specified. 50 U.S.C. App. 2286

**1.7 Grants for educational television broadcasting facilities under part IV of title III of the Communications Act of 1934, as amended. [Amended]**

Recipient to keep such records as may be reasonably necessary to enable the Secretary of Health, Education, and Welfare to carry out his functions under part IV, including records which fully disclose the amount and disposition of such grant, the total cost of the project or undertaking for which the grant was given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of Health, Education, and Welfare and the Comptroller General or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers and records of the recipient that are pertinent to the grant received.

Retention period: Not specified. Sec. 393 of the Communications Act of 1934, as added by the act of May 1, 1962, Public Law 87-447, 76 Stat. 64, 66; 47 U.S.C. 393

**1.8 Adjustment assistance under sections 313, 314, or 317 of the Trade Expansion Act of 1962. [Amended]**

Recipient shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such assistance, and which will facilitate an effective audit. Recipient shall also keep such other records as the Secretary of Commerce may prescribe.

The Secretary of Commerce and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to such assistance.

Retention period: Not specified. Sec. 318 (a) and (b), Trade Expansion Act of 1962, approved October 11, 1962, Public Law 87-794, 76 Stat. 872, 891; 19 U.S.C. 1918 (a) and (b)

**1.9 Recipients of grants for support of air pollution control programs under the Clean Air Act. [Added]**

To keep such records as the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition of such grant, the total cost of the project or undertaking for which the grant was given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary of Health, Education, and Welfare and the Comptroller General or any of their duly authorized representatives shall have access for the purpose of audit and examinations to any books, documents, papers and records of the recipients that are pertinent to the grants received.

Retention period: Not specified. Sec. 11 of the Clean Air Act, approved December 17, 1963, Public Law 88-206, 77 Stat. 392, 401

**XXI. GENERAL SERVICES ADMINISTRATION**

**1.1 War contractors and subcontractors, World War II, having contract of \$25,000 or more or having termination inventory worth \$5,000 or more.**

To keep records essential to determining performance under the contract and to justifying the settlement thereof (excluded from this provision are contractor records title to which is transferred to a Federal agency; war contractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act of 1943 and war contractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract, whichever applicable period is longer: *Provided, however*, That where the termination inventory has been disposed of, or final payment or settlement of the war contract has been made on or after December 31, 1950, the above 5-year period is reduced to 3 years. 18 U.S.C. 443; and 44 CFR 151.3-151.12

**1.2 [Deleted]**

**1.3 Contractors. [Revised]**

Contract clause required by the act of October 31, 1951 (65 Stat. 700, 41 U.S.C. 254(c)), to be included in each contract negotiated without advertising pursuant to authority contained in title III of the Federal Property and Administrative Services Act of 1949, as amended, to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall until the expiration of 3 years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts. Inapplicable to contracts of \$2,500 or less and subcontracts of like small amount or for general public utility services.

Retention period: 3 years after final payment under the contract. 41 CFR 1-7.101-10

**1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.**

Maintain records showing information required by the clause.

Retention period: Not specified. 41 CFR 1-1.710-3(b)

**1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.**

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: Not specified. 41 CFR 1-1.805-3(b)

**1.6 Contractors with fixed-price supply contracts containing the standard inspection clause.**

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 1-7.101-5, 1-14.104(a)

**1.7 Contractors with fixed-price contracts in excess of \$2,500 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.**

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.701

**1.8 Contractors with fixed-price construction contracts estimated to exceed \$10,000, when such contracts contain the standard Termination for Convenience of the Government clause.**

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.703

**1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.**

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Gov-

ernment at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof. Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.706

**1.10 Contractors with contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the Act of August 28, 1953, Public Law 85-804 (50 U.S.C. 1431-1435).**

Every such contract shall contain a clause, unless (a) the contract is for purchases authorized to be made outside the United States under the Foreign Assistance Act of 1961, and (b) pursuant to Executive Order 10784, as amended by Executive Order 10845, it is determined by the agency that inclusion of such clause or compliance therewith (if included) would be impracticable, to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: 3 years after final payment. 41 CFR 1-17.206(e)

**1.11 Contractors with contracts and amendments or modifications of contracts made prior to July 1, 1953, when such contracts and amendments or modifications were issued under Title II of the First War Powers Act, 1941 (55 Stat. 8391), as amended. [Amended]**

Every such contract shall contain a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of and involving transactions related to such contracts or subcontracts.

Retention period: Not specified. Sec. 11, EO 10210, Feb. 2, 1951 (3 CFR, 1949-1953 Comp., p. 391)

## **XXII. HOUSING AND HOME FINANCE AGENCY**

### **1. Office of the Administrator**

**1.1 Local Public Agencies making relocation payments under slum clearance and urban renewal projects.**

To maintain records pertaining to eligibility of relocation payments, including all supporting documentation; and to keep records and papers of individual claims for payments, including receipted bills or other evidence establishing validity of the claim.

Retention period: Not specified for eligibility records; permanent for records of claims. 24 CFR 3.106, 3.109

**1.2 Applicants for assistance under the programs administered by the Community Facilities Administration (preparation by public agencies of plans for public works).**

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

## **2. Federal Housing Administration**

**2.1 Lending agencies with respect to property improvement loans.**

To keep complete credit and collection file pertaining to each eligible property improvement loan transaction, which will accompany any claim for loss made by the insured, and to include the borrower's application for a Title I loan, the original note, completion certificate(s) and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with Title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust, conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 200.185, 201.2, 201.4, 201.8, 201.11, 202.8

**2.2 Lending agencies—Title I.**

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.170, 201.8

**2.3 Lending agencies with respect to multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, 810, and 908 of the National Housing Act. [Amended]**

To keep records filed by the mortgagor with respect to occupancy reports when

prescribed by the Commissioner, annual CPA reports, and copies of minutes of stockholders' and directors' meetings certified to by the Secretary of the Corporation (mortgagor).

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.501, 221.530, 221.538, 221.550, 221.552, 231.8, 810.1

**2.4 Mortgagors of multifamily housing under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act. [Amended]**

To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 207.19, 213.30, 220.501, 221.530, 221.538, 221.550, 221.552, 231.8, 232.45, 810.1

**2.5 Mortgagors of multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act. [Amended]**

Where neither mortgagor nor its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have an interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 207.27, 213.35, 213.37, 220.501, 231.1, 232.83, 810.1

**2.6 Lending agencies with respect to multifamily rental housing insured under sections 207, 213, 220, 221, 231, 232, 233, 608, 611, 803, 810, and 908 of the National Housing Act. [Amended]**

When eligible to receive the benefits of the mortgage insurance, and where it is elected to assign the mortgage to the FHA Commissioner, along with other requirements, there will be assigned and delivered to the Commissioner, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR 207.258, 220.501, 221.751, 231.1, 232.251, 233.501, 608.257, 611.257, 803.258, 803a.251, 810.251, 908.251

**2.7 Investors insured under yield insurance provisions under title VII of the National Housing Act.**

Shall establish and maintain such books, records and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Com-

missioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 702.255

**2.8 Lending agencies for multifamily rental housing under sections 207, 213, 220, 221, 231, 232, 233, 608, 609, 611, 803, 810, and 908 of the National Housing Act.**

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. Secs. 207, 213, 220, 221, 231, 232, 233, 608, 609, 611, 803, 810, and 908, National Housing Act of 1934

**2.9 Mortgagors of new or rehabilitated multifamily housing insured under sections 207, 213, 220, 221, 231, 232, 803, and 810 of the National Housing Act.**

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. Sec. 814, Housing Act of 1954, 12 U.S.C. 1715e

### XXIII. INTERSTATE COMMERCE COMMISSION

**1.1 Refrigerator car lines.**

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 24, par. 4, 110.7

**1.2 Railroad companies.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.7

**1.3 Electric railway companies.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.31

**1.4 Sleeping car companies.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.50

**1.5 Express companies.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.70

**1.6 Pipeline companies.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.87

**1.7 Persons which furnish cars to railroads.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 110.104

**1.8 Rate-making organizations.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 130.30

**1.9 Motor carriers other than Class I.**

To keep records as listed in the sections cited, except that Class II motor carriers of property comply with 49 CFR 203.301-203.307.

Retention periods: Various. 49 CFR 203.1, 203.4

**1.10 Brokers for motor carriers.**

To keep same records for same periods as motor carriers other than Class I, insofar as applicable.

Retention periods: Various. 49 CFR 203.100

**1.11 Motor carriers, Class I.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 203.307

**1.12 Water carriers.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 325.7

**1.13 Freight forwarders.**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 450.11

**1.14 Private carriers subject to Part II of the Interstate Commerce Act. [Added]**

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 191.10, 194.3, 195.8, 196.2, 196.7

**1.15 Motor carriers exempt under section 203(b) of the Interstate Commerce Act. [Added]**

To keep records as listed in the sections cited.

Retention periods: Various. 49 CFR 191.10, 194.3, 194.6, 195.8, 195.9, 196.2, 196.7

**1.16 Carriers of migratory workers by motor vehicles. [Added]**

To keep records as listed in the section cited.

Retention periods: Various. 49 CFR 198.3

### XXIV. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**1.1 Contractors with contracts having specific clauses.**

To retain and make available, upon written request of the Contracting Officer, the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18-9.202-1

**1.2 Contractors with contracts having specific clauses.**

To maintain controls of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18-7.104-23

**1.3 Contractors with contracts having clause pertaining to small business subcontracts.**

To maintain records showing (a) whether each prospective subcontractor is a small business concern, and (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Utilization of Small Business Concerns."

Retention period: During performance of the contract. 41 CFR 18-1.707-3(b)

**1.4 Contractors with contracts having specific clauses.**

To maintain records of all inspection work and make them available to the Government.

Retention period: During performance of contract and for such longer period as may be specified in the contract. 41 CFR 18-7.302-4

**1.5 Contractors with cost reimbursement type supply and research and development contracts.**

A standard "Records" clause is provided. Shall preserve and make available books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the contract and to make them available to the Comptroller General or any of his duly authorized representatives.

Retention period: 3 years after date of "completion" voucher or invoice or until settlement of any litigation, whichever is longer. 41 CFR 18-7.203-7.

**1.6 Contractors with fixed-price supply contracts, and fixed-price research and development contracts.**

A standard "Examination of Records" clause is provided. The Comptroller General or any of his duly authorized representatives shall have access to and the right to examine any directly pertinent books, documents, papers and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 41 CFR 18-7.104-15

## XXV. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

### 1.1 Masters of vessels transferring hazardous liquid cargoes in Canal Zone ports.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 4.121

### 1.2 Masters of vessels at sea, destined for Canal Zone ports.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Retention not required by Canal authorities beyond expiration of voyage. 35 CFR 24.50, 24.52

### 1.3 Vessels undergoing sanitary inspection at Canal Zone ports.

To keep certificates covering deratization or exemption from deratization.

Retention period: Indefinite. 35 CFR 24.89

### 1.4 Vessels transiting or partially transiting Panama Canal.

To keep tonnage certificate, a full set of plans, and a copy of the measurements which were made at the time of issue of its national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 27.3

## XXVI. RAILROAD RETIREMENT BOARD

### 1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 4 years. 20 CFR 345.24

### 1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c) (1)

### 1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

## XXVII. SECURITIES AND EXCHANGE COMMISSION

### 1.1 Exchange members, brokers, and dealers.

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances; questionnaires or

applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention periods: 6 years and 3 years as specified in the sections cited. Filming of records permitted after 2 years. 17 CFR 240.17a-3, 240.17a-4

### 1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Filming of records permitted after 2 years. 17 CFR 240.17a-4

### 1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after 5 years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a-6. 17 CFR 240.17a-6, 240.24b-3

### 1.4 Mutual service companies and subsidiary service companies associated with registered public utility holding companies.

To keep uniform accounts and other records to show fully the facts pertaining to all entries and supported in sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all other records such as minute books, stock books, reports, memoranda, contracts, invoices, maps, correspondence, other papers and documents which support entries to accounts and are necessary or useful in analyzing accounts or developing facts concerning any transaction.

Retention period: Permanent, except as otherwise authorized by the Securities and Exchange Commission pursuant to the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies. 17 CFR 256.01-8

### 1.5 Registered public utility holding companies which are not also operating companies.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: On November 24, 1959, the Commission adopted its "Regulation to govern the preservation and destruction of books of account and other records of companies which are subject to the Uniform System of Accounts for Public Utility Holding Company Act of

1935," which prescribes specific retention periods and microfilming privileges with respect to all of books of account and other records of registered holding companies. 17 CFR 257.0-3

### 1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies.

To keep such accounts, books, and other documents relating to its business which constitute the record forming the basis for financial statements required to be filed pursuant to Section 30 of the Investment Company Act of 1940, and of the auditor's certificate relating thereto. For registered investment companies, these records include journals (or other records of original entry) containing an itemized daily record in detail of all securities transactions (including those in its own securities); general and auxiliary ledgers (or other records) reflecting asset, liability, reserve, capital, income and expense accounts; separate ledger accounts (or other records) for each portfolio security, for each broker-dealer or other person through which portfolio securities transactions are effected, and for each shareholder of record; a securities record or ledger; corporate charters, certificates of incorporation or trust agreements, bylaws, and minute books; records of brokerage orders; records showing the bases for the allocation of orders for the purchase and sale of portfolio securities to named brokers or dealers and the divisions of brokerage commissions or other compensation on such purchase and sale orders, including the consideration given to enumerated factors; records identifying the persons authorizing the purchase or sale of portfolio securities; and all vouchers, memoranda, correspondence, and other documents.

Every underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934.

Every investment adviser which is a majority-owned subsidiary of a registered investment company shall keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940.

Retention period: Registered investment companies: journals, ledgers, corporate charters, certificates of incorporation, trust agreements, by-laws, and minute books—permanently; other records—6 years. Underwriter, broker, or dealer which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 17 of the Securities Exchange Act of 1934. Investment adviser which is a majority-owned subsidiary of a registered investment company, see rule adopted under Section 204 of the Investment Advisers Act of 1940. Notwithstanding the above, records may be destroyed pursuant to a

plan approved by the Securities and Exchange Commission pursuant to Rule 31a-2. Microfilming permitted after 3 years. 17 CFR 270.31a-1, 270.31a-2

**1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company.**

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 17 of the Securities Exchange Act of 1934. 17 CFR 270.31a-1, 270.31a-2

**1.8 Investment adviser not a majority-owned subsidiary of a registered investment company.**

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. See rule adopted under Section 204 of the Investment Advisers Act of 1940. 17 CFR 270.31a-1, 270.31a-2

**1.9 Records prepared or maintained by others than person required to maintain and preserve them.**

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a-3 for requirements as to such written agreements.

Retention period: See Rule 31a-2 for evidence of preservation of records. 17 CFR 270.31a-3 (retention: 270.31a-2)

**1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940). [Revised]**

To keep books and records relating to their business, including journal and ledger accounts; memoranda of orders given and instructions received for the purchase, sale, receipt or delivery of securities; all checkbooks, bank statements, cancelled checks, and cash reconciliations; bills and statements relating to the investment adviser's business; trial balances, financial statements, and internal audit working papers; originals or copies of certain communications received or sent by the investment adviser; a list of all accounts in which the adviser is vested with discretionary power; evidences of granting of discretionary power by any client; all written agreements with any client or otherwise relating to the business of the adviser; and copies of certain communications recommend-

ing the purchase or sale of a specific security. If adviser has custody or possession of securities or funds of any client, to keep a journal or other record showing all debits and credits to such accounts; a separate ledger account for each client; copies of confirmations of transactions in the accounts of clients; and a position record for each security in which any such client has a position. If adviser renders any investment supervisory or management service to any client, to keep records as specified in the section cited, with respect to the portfolio being supervised or managed, to the extent that the information is reasonably available to or obtained by the investment adviser; and to keep records to enable adviser to furnish promptly the name of each client who has a current position in a particular security, and the amount or interest of such client at that time.

Retention periods: For partnership articles, etc., articles of incorporation, charters, minute books, and stock certificate books—permanently during the life of the enterprise and for 3 years after the termination of the enterprise. For other documents and records, 5 years from the end of the fiscal year during which the last entry was made on the record. Filing of records permitted after 2 years. 17 CFR 275.204-2

## XXVIII. VETERANS ADMINISTRATION

**1.1 Institutions furnishing educational or training courses to veterans under chapter 31, title 38, U.S. Code, and section 12 of Public Law 85-857.**

(a) *Supply records.* To keep certification by the instructor, dean or president of the institution of the itemized list of supplies required by each student: a standard list by subjects of the supplies required for each quarter, semester or year; a file for each student showing the items authorized for issuance to him, evidence of such issuance consisting of his signature as indicating receipt, and the prices charged; and receipts taken by the institution for books, supplies, and equipment furnished the veteran covering the purchase, issuance or reissuance of books, supplies, and equipment.

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Administration (unless further retention is requested by the General Accounting Office or the Veterans Administration); may keep the records in microfilm form 38 CFR 21.539

(b) *General records.* To keep records of progress and attendance of veterans: adequate financial records to support the claims for payment for veteran training, including financial records required to substantiate tuition rates based upon cost data (including payroll ledgers, canceled checks, disbursement vouchers, invoices, general ledgers, journals, ledgers for cash receipts and cash disbursements, inventory records, records of accounts payable, and accounts receivable).

Retention period: 3 fiscal years following the actual date of submission of covering vouchers to the Veterans Admin-

istration (unless further retention is requested by the General Accounting Office or the Veterans Administration). 38 CFR 21.672

**1.2 Institutions furnishing correspondence courses to veterans under chapter 31, title 38, U.S. Code, and section 12 of Public Law 85-857.**

To keep records of progress of veterans and all records and books of account pertaining to the contract.

Retention period: Minimum of 3 years following date upon which final payment under contract becomes due. Even after 3 years, records may be destroyed only upon written authorization from the Veterans Administration. 38 CFR 21.626

**1.3 Educational institutions under chapter 33, title 38, U.S. Code.**

To keep appropriate records and accounts, including but not limited to (a) records and accounts which are evidence of tuition and fees charged to all students; (b) records of previous education or training of veterans at time of admission, and records of advance credit at time of admission; and (c) records of grades and progress of veterans.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

**1.4 Educational institutions furnishing nonaccredited courses under section 1654, chapter 33, title 38, U.S. Code, supra.**

To keep, in addition to the records and accounts described in item 1.3, above, (a) records of leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws, or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

**1.5 Educational institutions furnishing institutional on-farm training courses under section 1652, chapter 33, title 38, U.S. Code, supra.**

To keep in addition to the records and accounts described in item 1.3, above, records of the individual and organized group instruction furnished.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2306

**1.6 Training establishments furnishing apprentice or other training-on-the-job courses under chapter 33, title 38, U.S. Code, supra.**

To keep appropriate records pertaining to such training including, but not limited to, (a) payroll records; (b) records of attendance; and (c) records

of progress toward job objective, including accomplishments and failures.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.2201, 21.2306

1.7 Educational institutions furnishing education or special restorative training under chapter 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.8 Educational institutions having eligible persons under chapter 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.9 Educational institutions having eligible persons under chapter 35, title 38, U.S. Code, supra, enrolled in non-accredited courses approved under section 1654, chapter 33, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.3306

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

**SUPPLEMENTS**

**Supplement I—Requirements Under the Second War Powers Act of 1942**

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

**Supplement II—Civil Aeronautics Requirements on Availability of Credentials for Inspection in 14 CFR**

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*Explanation.* The index is a guide to the persons, groups, or products covered by the subject titles in the list. It does not purport to bring together under a given entry a complete analysis of all requirements relating to a given business or product. Thus, a requirement affecting corporations in liquidation will be found under "corporation" because the word appears in the subject title in the list. There are many other requirements, however, affecting corporations which must be sought under "taxes", "manufacturers", "employers", "con-

tractors", name of product or other subject. In the same way general categories of persons to whom requirements may apply (such as manufacturers or importers) have been included only if they are particularly necessary in identifying the applicability of the requirements.

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