

FEDERAL REGISTER

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PART I

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Business and Defense Services
Administration
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Home Loan Bank Board
Federal Insurance Administration
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(As of January 1, 1969)

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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, 1969, and specifies how they are affected.

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 300—EMPLOYMENT (GENERAL)

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

Miscellaneous Amendments

1. Part 300 has been amended to extend the time-in-grade requirements of Subpart F to movements from positions under the wage system to positions under the General Schedule, and to modify the method used to determine grade equivalency in applying these requirements. Effective on publication in the *FEDERAL REGISTER*, §§ 300.601, 300.604, and 300.605 of Subpart F are amended as set out below.

Subpart F—Time-in-Grade Restrictions

§ 300.601 Applicability.

(a) This subpart applies to any advancement to a competitive position that is subject to the General Schedule from a competitive or excepted position that is subject either to the General Schedule or to a wage system under section 5341(a) of title 5, United States Code, by:

- (1) Promotion;
- (2) Transfer to a higher grade; or
- (3) Any type of appointment under this chapter (including reemployment and reinstatement) made within 1 year after separation from a nontemporary appointment.

(b) This subpart does not apply:

- (1) When the position from which the advancement is made is outside the competitive service and in the legislative or judicial branch; or
- (2) When the position from which the advancement is made is not subject to the General Schedule or to a wage system under section 5341(a) of title 5, United States Code, unless the employee advanced held a position of this type within the preceding year.

§ 300.604 Periods of creditable service.

(a) Except as provided in § 330.502 of this chapter, the periods of service required by §§ 300.6002 (a) and (b) and 300.603 (b) include all service at the appropriate or higher grade or level in positions in the Federal or District of Columbia civilian service regardless of whether or not the positions were subject to the General Schedule.

(b) Except as provided in § 330.502 of this chapter, when two periods of service in positions subject to the General Schedule are interrupted for less than

1 year by service in a position not subject to the General Schedule, the latter service is counted as a continuation of the prior service in the position subject to the General Schedule.

(c) Except as provided in paragraph (b) of this section, and in § 330.502 of this chapter, service in a position not subject to the General Schedule is counted at the equivalent General Schedule grade in effect when the service was performed. The equivalent General Schedule grade is determined by comparing the representative rate of the position, as defined in Part 351 of this chapter, with the representative rates of positions under the General Schedule. The highest General Schedule grade whose representative rate does not exceed the representative rate of the position by more than one within-grade increase is the equivalent General Schedule grade.

§ 300.605 Other time restrictions.

The time-in-grade restrictions in this subpart are in addition to the time-after-competitive-appointment restrictions contained in Subpart E of Part 330 of this chapter.

(5 U.S.C. 3301 note, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218)

2. Part 330 has been amended to establish an additional restriction relating to time-in-grade by limiting the extent to which time served under certain temporary appointments may be counted for this purpose. It has also been amended to extend from 3 months to 1 year the time-after-competitive-appointment requirement for noncompetitive appointment to rural carrier positions in the postal field service. Effective on publication in the *FEDERAL REGISTER*, Subpart E is amended as set out below.

Subpart E—Restrictions To Protect Competitive Principles

§ 330.501 General restriction on movement after competitive appointment.

Except as provided in §§ 330.503 and 330.504, an agency may promote an employee or reassign him to a different line of work, or to a different geographical area, and it may transfer a present employee or reinstate a former employee of the same or another agency to a higher grade or different line of work, or to a different geographical area, only after 3 months have elapsed since the employee's latest nontemporary competitive appointment. The Commission may waive the restriction against movement to a different geographical area when it is satisfied that the waiver is consistent with the principle of open competition.

§ 330.502 Additional restrictions relating to time in grade.

In applying the time-in-grade restrictions of Subpart F of Part 300 of this

chapter to an employee serving with career or career-conditional tenure acquired through competitive appointment, prior service under nonpermanent appointment at a level above that of his competitive appointment shall be credited as if it had been performed at the level of his competitive appointment.

§ 330.503 Promotion to postmaster positions.

A postal employee may be promoted to a postmaster position at a post office of the first-, second-, or third-class only after he has served 1 year under career appointment in the postal service.

§ 330.504 Noncompetitive appointment to rural carrier positions.

A person may be promoted, transferred, or reinstated to a rural carrier position in the postal service, or reassigned to a rural carrier position from a different line of work or from a different geographical area, only after he has served one year since his latest nontemporary competitive appointment.

§ 330.505 Nonapplicability to persons within reach on registers.

The restrictions in this subpart do not apply to a person who is within reach on a register for competitive appointment to the position to be filled.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 69-2443; Filed, Feb. 26, 1969;
8:50 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Standards for Rough Rice

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, a notice of proposed rule making was published in the *FEDERAL REGISTER* (33 F.R. 18627) on December 17, 1968, regarding a proposed amendment to § 68.225 of the U.S. Standards for Rough Rice (7 CFR 68.201 et seq.) under authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60

Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624).

Statement of considerations. The rice standards are issued under authority of the Agricultural Marketing Act of 1946 which provides for official standards to designate the level of quality for voluntary use by producers, buyers, and consumers. Official grading service under the standards is provided upon request of the applicant and payment of a fee to cover the cost of service.

Over 900 copies of the notice of proposed rule making were sent to individuals, corporations, and associations interested in the production, milling, drying, marketing, and use of rice. Public hearings were not held but all interested parties were given until January 2, 1969, to submit written data, views, or recommendations in connection with the proposed amendment.

Only one letter was received by the Hearing Clerk on the proposal to make the factor analysis permissive. This letter favored having the factor analysis permissive rather than mandatory. In addition, the Department surveyed 129 rice industry representatives, including producers, driers, and millers, as to their interest in a factor analysis of the large broken kernels. Of those interviewed, 111 expressed no interest, 17 occasional interest, and three extensive interest in such information.

Consideration has been given to all comments received and to other information available to the U.S. Department of Agriculture.

From the comments received from the rice industry and from information available to the Department, there is substantial reason for adopting the proposal that an analysis of the large broken kernels would be made for one or more factors only when requested by the applicant for inspection.

There was no support for the alternate proposal to analyze only the factor or factors which degrade the large broken kernels to the greatest extent.

Accordingly, § 68.225 of the standards is amended to read as follows:

§ 68.225 Grade designations for rough rice.

The grade designation for rough rice shall include, in the order named, the letters "U.S."; the number of the grade or the words "Sample grade", as the case may be; the name of the class; the name of each applicable special grade; and, in the case of rough rice which contains not more than 18 percent of moisture, there shall be added to the grade designation a statement of the milling yield. In the case of Mixed Rough Rice, the grade designation shall also include, following the name of the class, the name and approximate percentage of the predominant class and then, in the order of predominance, of each other class of rough rice contained in the mixture. When requested by the applicant for inspection, the results of analysis for one or more factors of the large broken kernels shall be shown under "Remarks" on the certificate.

The foregoing amendment is the same as proposed in the notice of rule making except for a nonsubstantive change for clarity (addition of the phrase "analysis for" in the last sentence of § 68.225 as amended). The amendment should be made effective promptly so that it will apply to inspections of the current crop. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause, that further notice and public participation in rule making on the amendment are unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. As proposed, this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 203, 205, 60 Stat. 1087, 1090, as amended, 7 U.S.C. 1622, 1624, 29 F.R. 16210, as amended; 33 F.R. 10750)

Done at Washington, D.C., this 24th day of February 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-2402; Filed, Feb. 26, 1969; 8:50 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; PARISHES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following parishes have been designated for sugarcane crop insurance for the 1970 crop year.

LOUISIANA

Ascension.	St. James.
Assumption.	St. John the Baptist.
Iberia.	St. Martin.
Iberville.	St. Mary.
Lafourche.	Terrebonne.
Pointe Coupee.	West Baton Rouge.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager, Federal
Crop Insurance Corporation.

[F.R. Doc. 69-2405; Filed, Feb. 26, 1969; 8:50 a.m.]

PART 407—TUNG NUT CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR TUNG NUT CROP INSURANCE

Pursuant to authority contained in § 407.1 of the above-identified regula-

tions, the following county has been designated for tung nut crop insurance for the 1970 crop year.

FLORIDA

Jackson.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JACK H. MORRISON,
Acting Manager, Federal
Crop Insurance Corporation.

[F.R. Doc. 69-2406; Filed, Feb. 26, 1969; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 171]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.471 Navel Orange Regulation 171.

(a) **Findings.** (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are

identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1969.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 28, 1969, through March 6, 1969, are hereby fixed as follows:

- (i) District 1: 693,000 cartons;
- (ii) District 2: 207,000 cartons;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 69-2534; Filed, Feb. 26, 1969;
11:21 a.m.]

[Valencia Orange Reg. 263]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DES- IGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.563 Valencia Orange Regulation
263.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 33 F.R. 19829), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 25, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 28, 1969, through March 6, 1969, are hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: Unlimited movement;
- (iii) District 3: 156,486 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 26, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 69-2533; Filed, Feb. 26, 1969;
11:21 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1479—CERTIFICATES OF INTER- EST IN COMMODITY CREDIT COR- PORATION PRICE-SUPPORT LOANS

Subpart A—Special Series Certificates of Interest

Subpart B—Participation of Financial Institutions in a Pool of Price-Sup- port Loans

MISCELLANEOUS AMENDMENTS

The regulations in Subpart A, Part 1479, containing the terms and conditions governing participation by interested persons in the financing of unmatured price-support loans placed in special pools, published in the FEDERAL REGISTER of April 5, 1966 (31 F.R. 5346), are amended as follows:

1. Section 1479.1 is amended by adding at the end thereof a new paragraph (d), as follows:

§ 1479.1 Definitions.

(d) "Announcement of sale" shall mean any notice of terms and conditions respecting a sale of Certificates.

§ 1479.3 [Amended]

2. Section 1479.3(a) is amended by substituting the word "persons" for the word "anyone" in the second sentence and by adding the following sentence at the end thereof: "CCC reserves the right to limit the participants and the amount of participation."

3. Section 1479.3(b) is amended by deleting from the second sentence the words "of \$5,000, \$10,000, \$100,000, and \$1,000,000, unless otherwise".

§ 1479.5 [Amended]

4. Section 1479.5 is amended by substituting the word "a" for the word "any" in the third sentence and adding the following sentence at the end thereof: "The issuing and paying Federal Reserve Banks will be specified in the invitation for bids or other announcement of sale. The paying Federal Reserve Banks will also be specified on the face of the Certificates."

The regulations in Subpart B, Part 1479, containing the terms and conditions governing participation by financial institutions in the financing of price-support loans in a continuing pool, published in the FEDERAL REGISTER of July 17, 1968 (33 F.R. 10184), are amended as follows:

§ 1479.20 [Amended]

1. Section 1479.20 is amended by substituting the word "continuing" for the word "single" and deleting the word "all" in the first sentence thereof.

§ 1479.21 [Amended]

2. Section 1479.21(f) is amended by inserting before the words "common fund" the word "continuing".

(Secs. 4 and 5, 62 Stat. 1070-1072, as amended; 15 U.S.C. 714b, 714c)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on February 20, 1969.

LIONEL C. HOLM,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 69-2401; Filed, Feb. 26, 1969;
8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 9113; Amdt. 93-15]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

High Density Traffic Airports; Correction

The document amending Part 93 of the Federal Aviation Regulations, published in the FEDERAL REGISTER on February 26, 1969, at 34 F.R. 2603, is corrected by changing the reference in § 93.127 from "§ 93.129(a)" to "§ 93.129(c)".

Issued in Washington, D.C., on February 26, 1969.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 69-2491; Filed, Feb. 26, 1969;
9:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1488]

PART 13—PROHIBITED TRADE PRACTICES

Associated Chinchilla Services of New England, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.50 Dealer of seller assistance; § 13.60 Earnings and profits; § 13.70 Fictitious or misleading guarantees; § 13.175 Quality of product or service. Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 Dealer of seller assistance; § 13.1615 Earnings and profits; § 13.1647 Guarantees; § 13.1715 Quality.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Associated Chinchilla Services of New England, Inc., doing business as Chinchilla Producers As-

sociation et al., Hartford, Conn., Docket C-1488, Jan. 31, 1969]

In the Matter of Associated Chinchilla Services of New England, Inc., a Corporation, Formerly Doing Business Under Its Own Name and Now Doing Business as Chinchilla Producers Association, and John O. Lindgren, Billie J. Lindgren, and Troy R. Loun, Jr., Individually and as Officers and Directors of said Corporation

Consent order requiring a Hartford, Conn., seller of chinchilla breeding stock to cease making exaggerated earning claims, misrepresenting the quality of its stock, deceptively guaranteeing the fertility of its stock, and misrepresenting its services to purchasers.

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

It is ordered, That respondents Associated Chinchilla Services of New England, Inc., a corporation, doing business under its own name or as Chinchilla Producers Association, or under any other trade name or names and its officers, and John O. Lindgren, Billie J. Lindgren, and Troy R. Loun, Jr., individually and as officers and directors of said corporation and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of chinchilla breeding stock or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. It is commercially feasible to breed or raise chinchillas in homes, basements, garages, spare rooms, or other quarters or buildings or that large profits can be made in this manner: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented quarters or buildings have the requisite space, temperature, humidity, ventilation, and other environmental conditions which would make them adaptable to and suitable for the breeding and raising of chinchillas on a commercial basis and that large profits can be made in this manner.

2. Breeding chinchillas as a commercially profitable enterprise can be achieved without previous knowledge or experience in the breeding, raising, and care of such animals.

3. Each female chinchilla purchased from respondents and each female offspring will produce successive litters of from one to four live offspring at 111-day intervals.

4. The number of litters or sizes thereof produced per female by respondents' chinchilla breeding stock is any number: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number of litters and sizes thereof are actually and usually produced by chinchillas pur-

chased from respondents or the offspring of said chinchillas.

5. Pelts from the offspring of respondents' chinchilla breeding stock sell for an average price of \$30 per pelt; or that pelts from the offspring of respondents' breeding stock generally sell from \$28 to \$61 each.

6. Chinchilla pelts from respondents' breeding stock will sell for any price, average price, or range of prices: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price, average price, or range of prices are actually and usually received for pelts produced by chinchillas purchased from respondents or by the offspring of such chinchillas.

7. Purchasers of respondents' chinchilla breeding stock will receive high quality or "Empress Certified" quality chinchillas or any other grade or quality of chinchillas: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers do actually receive chinchillas of the represented grade or quality.

8. Each female chinchilla purchased from respondents and each female offspring produce at least four live young per year.

9. The number of live offspring produced per female chinchilla is any number or range thereof: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented number or range thereof of offspring are actually and usually produced by female chinchillas purchased from respondents or the offspring of said chinchillas.

10. A purchaser starting with three females and one male of respondents' chinchillas will have, from the sale of pelts, an annual income, earnings or profits of \$5,250 at the end of the fifth year after purchase.

11. Purchasers of respondents' breeding stock will realize gross or net income, earnings or profits in any amount or range of amounts: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented amount or range of amounts of earnings, profits or income are actually and usually realized by purchasers of respondents' breeding stock.

12. Breeding stock purchased from respondents is warranted or guaranteed without clearly and conspicuously disclosing the nature and extent of the guarantee, the manner in which the guarantor will perform and the identity of the guarantor.

13. Breeding chinchillas by mated pairs will produce more and better quality offspring than by polygamous breeding.

14. Respondents doing business as Chinchilla Producers Association or under any other trade or corporate name or as individuals have been in the chinchilla business for 13 years; or misrepresenting, in any manner, the length of time respondents individually or through

any corporate or other device have been in business.

15. Chinchillas are hardy animals or are not susceptible to disease.

16. Chinchilla mutation breeding stock has a market value of \$350 each or any other price or range of prices; or that the pelts of chinchilla mutants having a white, silver, or beige color or any other color generally sell for \$80 to \$200 each or any price, average price or range of prices: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the represented price, average price or range of prices are actually and usually received for chinchilla mutation breeding stock and the pelts of the chinchilla mutants having a white, silver, or beige color or other color.

17. Purchasers of respondents' chinchilla breeding stock are given guidance or professional assistance in the care and breeding of chinchillas; or that respondents' ranch inspectors are well trained or qualified to give guidance or professional assistance in the care and breeding of chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that the purchasers are actually given the represented guidance or professional assistance in the care and breeding of chinchillas and that their ranch inspectors are well trained and qualified to give such guidance and professional assistance in the care and breeding of chinchillas.

18. Chinchillas or chinchilla pelts are in great demand; or that purchasers of respondents' breeding stock can expect to be able to sell the offspring or the pelts of the offspring of respondents' chinchillas because said chinchillas or pelts are in great demand.

19. Purchasers investing \$2,500 in respondents' chinchillas will make \$10,500 in net profit each year 5 years after the purchase of respondents' chinchillas.

20. Purchasers investing any amount or range of amounts will make any amount, or range of amounts, in profit in any number of years or interval of time after the purchase of respondents' chinchillas: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that purchasers investing a stated amount, or range of amounts, actually and usually realize the represented profit in the represented number of years or interval of time.

B. Misrepresenting, in any manner, the assistance, training, services, or advice supplied by respondents to purchasers of their chinchilla breeding stock.

C. Misrepresenting, in any manner, the earnings or profits of purchasers of respondents' chinchilla breeding stock.

D. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of the respondents' products or services and failing to secure from each salesman or other person a

signed statement acknowledging receipt of said order.

It is further ordered, That the respondents' corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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: January 31, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-2343; Filed, Feb. 26, 1969;
8:45 a.m.]

[Docket No. C-1489]

PART 13—PROHIBITED TRADE PRACTICES

Southern Aluminum Discount Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees*; § 13.125 *Limited offers or supply*; § 13.155 *Prices*: 13.155-10 *Bait*; 13.155-33 *Demonstration reduction*; 13.155-100 *Usual as reduced, special, etc.*; § 13.170 *Qualities or properties of product or service*: 13.170-30 *Durability or permanence*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpretations or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Southern Aluminum Discount Co., Inc. et al., Springfield, Mo., Docket C-1489, Feb. 3, 1969]

In the Matter of Southern Aluminum Discount Co., Inc., a Corporation, and Carpet Discount House, Inc., a Corporation, and T. Doyle Mitchell and Bobbie Lou Mitchell, Individually and as Officers of Said Corporations

Consent order requiring two affiliated Springfield, Mo., home improvement companies to cease using bait advertisements, false pricing and savings claims, deceptive limited offers, and false guarantees in the sale of their products, and neglecting to disclose that purchasers' sales contracts may be negotiated to third parties.

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

It is ordered, That respondents Southern Aluminum Discount Co., Inc., a corporation, and Carpet Discount House, Inc., a corporation, and their officers, and T. Doyle Mitchell and Bobbie Lou Mitchell, individually and as officers of said corporations and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution or installation of residential siding, or

other home improvement products or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale, either before or after a contract has been signed for the purchase of such merchandise or services.

4. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

5. Representing, directly or by implication, that any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

6. Representing, directly or by implication, that any offer to sell products is limited as to time or is limited in any other manner: *Provided, however,* That it shall be a defense in any enforcement proceedings instituted hereunder for respondents to establish that any represented limitation as to time or other represented restriction is actually imposed and adhered to by respondents.

7. Representing, directly or by implication, that the home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home, or otherwise, for advertising purposes.

8. Representing, directly or by implication, that any reduced price, allowance, discount, commission or other compensation is granted by respondents to purchasers in return for permitting or agreeing to allow the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

9. Representing, directly or by implication, that respondents' products will never require repainting, or misrepresenting in any manner, the serviceability or utility of respondents' products.

10. Representing, directly or by implication, that any of respondents' products are guaranteed, unless the nature and extent of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; or making any direct or

implied representation that any of respondents' products are guaranteed unless in each instance a written guarantee is given to the purchaser containing provisions fully equivalent to those contained in such representations.

11. Failing to clearly and conspicuously incorporate the following statement on the face of all negotiable instruments executed by respondents' customers:

NOTICE

Any holder of this note shall take this note subject to all defenses of any party which would be available in an action on a simple contract.

12. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

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 3, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-2344; Filed, Feb. 26, 1969;
8:46 a.m.]

[Docket No. C-1487]

PART 13—PROHIBITED TRADE PRACTICES

United National Life Insurance Co.

Subpart—Advertising falsely or misleadingly: § 13.85 Government approval, action, connection or standards: 13.85-35 Government endorsement; § 13.120 Legality or legitimacy; § 13.260 Terms and conditions: 13.260-40 Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, United National Life Insurance Co., Birmingham, Ala., Docket C-1487, Jan. 29, 1969]

In the Matter of United National Life Insurance Co., a Corporation

Consent order requiring a Birmingham, Ala., insurance company to cease misrepresenting that its policies are endorsed or recommended by the U.S. Armed Forces or any Government agency, or that any policy has been issued with the knowledge or consent of the serviceman.

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

It is ordered, That respondent United National Life Insurance Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any insurance policy or policies, in commerce, as "commerce" is defined in the Federal Trade Commission Act, except in those States where respondent is licensed and regulated by State law to conduct the business of insurance, do forthwith cease and desist from:

1. Using any letter or other solicitation material in contacting members of the Armed Forces of the United States or their parents or other relatives, which does not reveal in a prominent place, in clear language and in type at least as large as the largest type used on said material (a) that the insurance offered for sale by respondent is in addition to, and separate from, the insurance made available to servicemen by the U.S. Government; (b) that said insurance has not been approved, endorsed or recommended by the U.S. Armed Forces or any agency or office of the U.S. Government; and (c) that said insurance is being offered without the knowledge or consent of the servicemen whose name appears as the insured therein.

2. Using any policy form or similar document, prior to the receipt by respondent of the required premium, which contains the name of the insured, designation of the beneficiary, policy number, or signature of any representative of respondent, or which contains any indicia of an executed, in-force insurance policy.

3. Representing, directly or by implication, that the insurance offered for sale by respondent has been made available by, or has been approved, endorsed or recommended by, the U.S. Government or any agency or office thereof, or has been issued with the knowledge or consent of the serviceman whose name appears as the insured therein.

4. Misrepresenting in any manner the conditions or circumstances under which such insurance was initiated or issued.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein 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 this order.

Issued: January 29, 1969.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 69-2345; Filed, Feb. 26, 1969;
8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Official Credentials

Pursuant to the authority contained in the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and delegated to the Commissioner of Food and Drugs (21 CFR 2.120), and effective upon date of publication of this order in the FEDERAL REGISTER, § 2.121(b) is amended to change the portions regarding official credentials by revising the introductory text of subparagraph (2) and all of subparagraphs (3) and (4) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

(b) * * *

(2) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of FD Form 200A entitled "Identification Record" and FD Form 200B entitled "Specification of General Authority":

(3) Duly appointed and authorized inspectors, officers, and employees of the Food and Drug Administration who have been issued the Food and Drug Administration official credentials consisting of FD Form 200A entitled "Identification Record" and FD Form 200C entitled "Specification of General Authority":

(i) Have been designated by the Commissioner to perform the duties enumerated in subparagraph (2) (i) and (ii) of this paragraph.

(ii) Have been designated as officers and employees having the authority to request and the authority to have access to and copy and verify records and reports required by sections 505 (i) and (j) and 507 (d) and (g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (i) and (j), 357 (d) and (g)).

(4) The Food and Drug Administration official credentials referred to in subparagraphs (2) and (3) of this paragraph are described as follows:

(i) FD Form 200A entitled "Identification Record" bears a color photograph, description, and signature of the bearer, an identification number, an expiration date, the Department of Health, Education, and Welfare seal with blue imprint centered to the left of the photograph, and the FDA symbol centered to the right of the photograph.

(ii) FD Form 200B entitled "Specification of General Authority" bears the

holder's name, his general authority, an identification number, an expiration date, and the Commissioner's signature.

(iii) FD Form 200C entitled "Specification of General and Special Authority" bears the holder's name, his general and special authority, an identification number, an expiration date, and the Commissioner's signature and is superimposed in the lower right corner with a red, white, and blue stripe imprint.

(iv) Both FD Form 200B and FD Form 200C bear the name of the Department of Health, Education, and Welfare, Public Health Service, Consumer Protection and Environmental Health Service, and Food and Drug Administration and are superimposed with the Department seal with blue imprint.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: February 19, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2349; Filed, Feb. 26, 1969;
8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2284) filed by Wells Laboratories, Inc., 25-27 Lewis Avenue, Jersey City, N.J. 07306, and other relevant material, concludes that § 121.2526 should be amended to provide for the safe use of polyamide-epichlorohydrin water-soluble thermosetting resins, as set forth below, as components of paper and paperboard for food-contact use.

The Commissioner further concludes that § 121.2542 should be revoked since the amendment herein to § 121.2526 provides for the use of the additives as contemplated.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

(a)
(5)

List of Substances

Polyamide-epichlorohydrin water-soluble thermosetting resins prepared by reacting adipic or itaconic acid with diethylenetriamine to form a basic polyamide and further reacting the polyamide with one of the following:
Epichlorohydrin.
Epichlorohydrin and ammonia mixture.
Epichlorohydrin and sodium hydrosulfite mixture.

Limitations

For use only in the manufacture of paper and paperboard under conditions such that the resins do not exceed 1.5 percent by weight of the paper or paperboard.

§ 121.2542 [Deleted]

2. Section 121.2542 Polyamide-epichlorohydrin resin is deleted.

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 wherein 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. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

N,N-Bis(2-hydroxyethyl)dodecanamide produced when diethanolamine is made to react with methyl laurate such that the finished product: Has a minimum melting point of 36° C.; has a minimum amide assay of 90 percent; contains no more than 2 percent by weight of free diethanolamine; and contains no more than 0.5 percent by weight of N,N'-bis(2-hydroxyethyl)piperazine, as determined by paper chromatography method.

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 wherein the person filing will be adversely affected by

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 17, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-2351; Filed, Feb. 26, 1969;
8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTISTATIC AND/OR ANTIFOGGING AGENTS IN FOOD-PACKAGING MATERIALS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1254) filed by Monsanto Co., Post Office Box 1531, Springfield, Mass. 01101, and other relevant material, concludes that the food additive regulations should be amended to provide for safe use of N,N-bis(2-hydroxyethyl)dodecanamide as an antistatic agent in polyethylene intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2527(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2527 Antistatic and/or antifogging agents in food-packaging materials.

(b) List of substances:

Limitations

For use only as an antistatic agent at levels not to exceed 0.5 percent by weight of molded or extruded polyethylene containers intended for contact with honey, chocolate syrup, liquid sweeteners, condiments, flavor extracts and liquid flavor concentrates, grated cheese, light and heavy cream, yogurt, and foods of type VIII as described in table 1 of § 121.2526(c).

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. A hearing will be granted if the objections are 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 on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 19, 1969.

HERBERT L. LEY, Jr.,

Commissioner of Food and Drugs.

[F.R. Doc. 69-2350; Filed, Feb. 26, 1969;
8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary,
Department of Housing and Urban
Development

PART 3—RENEWAL ASSISTANCE

Subpart B—Relocation Payments

MISCELLANEOUS AMENDMENTS

The regulations governing the making of relocation payments under title I of the Housing Act of 1949, as amended (42 U.S.C. 1450 et seq.), and under section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074), published under Part 3 of Subtitle A of Title 24 of the Code of Federal Regulations, revised effective December 8, 1965 (30 F.R. 15145), as amended (31 F.R. 5826, April 15, 1966), are hereby amended to include the regulations governing relocation payments under sections 514 and 516 of the Housing and Urban Development Act of 1968 (82 Stat. 525 and 526, 42 U.S.C. 1468a and 1465(c)), and otherwise revised, in the following respects:

1. Section 3.100 is revised to include reference to the pertinent sections of the Housing and Urban Development Act of 1968 and, as so revised, reads as follows:

§ 3.100 Statement of applicable law.

Section 305 of the Housing Act of 1956 (70 Stat. 1100, 42 U.S.C. 1456) amended title I of the Housing Act of 1949, as amended, by adding a new section 106(f), which provided that title I urban renewal projects may include the making of relocation payments subject to rules and regulations prescribed by the Housing and Home Finance Administrator. Section 106(f) was amended by section 304 of the Housing Act of 1957 (71 Stat. 300), section 409 of the Housing Act of 1959 (73 Stat. 673), and section 304 of the Housing Act of 1961 (75 Stat. 167). Section 310 of the Housing Act of 1964 amended title I by adding a new section 114 (78 Stat. 788, 42 U.S.C. 1465) and incorporated therein, with additional provisions, the former section 106(f) of title I, which was repealed (42 U.S.C. 1456 (f)). Section 311(a) of the Housing and Urban Development Act of 1965 amended title I by adding a new section 117 (79 Stat. 478, 42 U.S.C. 1468), providing for grants for programs of code enforcement and providing that the provisions of section 114 shall be applicable to such programs. Section 404(a) of the Housing and Urban Development Act of 1965 (79

Stat. 486, 42 U.S.C. 3074) provided that the provisions of section 114 of title I were applicable to all federally assisted development programs. Section 514 of the Housing and Urban Development Act of 1968 (82 Stat. 525, 42 U.S.C. 1468a) amends title I by adding a new section 118, providing for grants for programs of interim assistance for slums and blighted areas and providing that the provisions of section 114 of title I shall be applicable to all activities assisted pursuant to section 118 to the same extent as if such activities were being carried out as part of an urban renewal project. Section 516 of the Housing and Urban Development Act of 1968 (82 Stat. 526, 42 U.S.C. 1465(c)) amends section 114(c) by expanding the relocation payments provisions applicable to the programs of the Department of Housing and Urban Development. Authority to issue regulations is included in the delegation to the Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8964, June 29, 1966.

2. In § 3.101, paragraph (b) is revised, paragraph (i) is amended by adding a new subparagraph (4), paragraph (k) is amended by adding a new sentence, paragraph (p) is amended by revising subparagraph (4) and adding a new subparagraph (6), and paragraph (z) is added, to read as follows:

§ 3.101 Definitions.

(b) *Agency.* (1) In an urban renewal area, the LPA, (2) in a code enforcement area or demolition grant area, the code agency, or (3) in an area receiving interim assistance, the city, other municipality, or county.

(i) *Federal financial assistance contract.*

(4) A contract for a grant for interim assistance to slums or blighted areas between the Federal Government and the city, other municipality, or county.

(k) *Individual.* A person who is not a member of a family. An elderly individual is an individual 62 years of age or over at the time of displacement. A handicapped individual is an individual who has a physical impairment which is expected to be of long-continued and indefinite duration and which substantially impedes his ability to live independently.

(p) *Relocation payment.*

(4) To or on behalf of a family or elderly individual for relocation adjustment prior to August 1, 1968 (relocation adjustment payment); or to or on behalf of a family or elderly or handicapped individual on or after August 1, 1968 (additional relocation payment).

(6) To a family or individual to assist an owner-occupant of a one- or two-family dwelling in the purchase and occupancy of a replacement dwelling on or

after August 1, 1968 (replacement housing payment).

(z) *Interim assistance area.* An area which HUD has approved for a grant designed to assist the locality in carrying out programs to alleviate harmful conditions in slums or blighted areas, as provided for in section 118 of title I (42 U.S.C. 1468a).

3. In § 3.103, paragraph (a) is revised in part to read as follows:

§ 3.103 Basic eligibility conditions—displacement from an urban renewal area.

(a) *Displacement.* A site occupant is eligible for a relocation payment if the displacement of the site occupant is:

4. Section 3.103a is revised to read as follows:

§ 3.103a Basic eligibility conditions—displacement from a code enforcement or demolition grant area.

(a) *Displacement.* A site occupant is eligible for a relocation payment if the displacement is:

(1) From real property within the code enforcement or demolition grant area on or after (i) the date of execution of a Federal financial assistance contract, or (ii) the date of HUD approval of a budget for a program of concentrated code enforcement, or (iii) the date of HUD approval of an application for a demolition grant: *Provided*, That in the case of approval of such budget or application a Federal financial assistance contract is thereafter executed for the area; and

(2) Made necessary by (i) code enforcement activities, as further defined in paragraph (b) of this section, (ii) acquisition of real property by the code agency or any other public body in connection with a federally assisted program of concentrated code enforcement and public improvement as further defined in paragraph (c) of this section, or (iii) demolition activities as further defined in paragraph (d) of this section.

(b) *Displacement made necessary by code enforcement.* The displacement of a site occupant from a code enforcement area is deemed made necessary by code enforcement if the vacation of the real property occurs on or after the commencement of code enforcement, or the receipt of notice by the site occupant that code enforcement will be required, with respect to the real property occupied by the site occupant under either of the following circumstances:

(1) The code enforcement cannot reasonably be undertaken without the vacation of the real property by the site occupant and the code agency so determines in accordance with § 3.104(e)(2); or

(2) In the case of a tenant, the owner has increased the rent, or has notified the tenant of an increase in rent, amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family:

Provided, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the code agency for displacees' ability to pay.

(c) *Displacement made necessary by acquisition*. The displacement of a site occupant from a code enforcement area is deemed made necessary by acquisition if the vacation of the real property occurs after the code agency or other public body acquiring legal or equitable title or the right to possession has ordered the site occupant to vacate the real property.

(d) *Displacement made necessary by demolition*. The displacement of a site occupant from a demolition grant area is deemed made necessary by demolition if the vacation of the real property occurs after the code agency has ordered the real property to be vacated and demolished.

(e) *Small business displacement payment*. A small business concern which satisfies the eligibility conditions of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is not part of an enterprise having two or more establishments outside the code enforcement or demolition grant area;

(2) Satisfies the requirements of § 3.103(d)(3) governing evidence of earnings; and

(3) Was doing business in the code enforcement or demolition grant area on the date of approval by the code agency of an application for a Federal financial assistance contract for the area.

(f) *Outdoor advertising display—code enforcement area*. A business concern which is not displaced from a code enforcement area shall be eligible for a relocation payment for moving expenses with respect to its outdoor advertising displays required, in the determination of the code agency, to be removed from the code enforcement area by the acquisition of real property in connection with a federally assisted program of concentrated code enforcement and public improvements.

(g) *Temporary on-site moves*. No relocation payment shall be made to a site occupant for a temporary move within the code enforcement or demolition grant area.

5. Section 3.103b is revised to read as follows:

§ 3.103b Basic eligibility conditions—displacement from an area receiving interim assistance.

(a) *Displacement*. A site occupant is eligible for a relocation payment if the displacement is:

(1) From private real property within the interim assistance area on or after the date of execution of a Federal financial assistance contract or the date of HUD approval of a budget for a program of interim assistance: *Provided*, That in the latter case a Federal financial assistance contract is thereafter executed for the area; and

(2) Made necessary by (i) activities designed to improve private properties to the extent needed to eliminate the most immediate dangers to the public health and safety, as further defined in paragraph (b) of this section, (ii) acquisition of real property by the Agency in connection with a federally assisted program of improvement of private properties, as further defined in paragraph (c) of this section, or (iii) demolition of structures determined to be structurally unsound or unfit for human habitation, and which constitute a public nuisance and serious hazard to the public health and safety, as further defined in paragraph (d) of this section.

(b) *Displacement made necessary by improvement of private properties*. The displacement of a site occupant from an interim assistance area is deemed made necessary by improvement of private properties if the vacation of the private real property occurs on or after the commencement of improvement activities, or the receipt of notice by the site occupant that improvements will be required with respect to the private real property occupied by the site occupant, and if:

(1) The improvement is necessary to eliminate the most immediate dangers to public health and safety and the Agency so determines, and the improvement cannot reasonably be undertaken without the vacation of the real property by the site occupant and the Agency so determines in accordance with § 3.104(e)(3); or

(2) In the case of a tenant, the owner has increased the rent, or has notified the tenant of an increase in rent, amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided*, That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the city, other municipality, or county for displacees' ability to pay.

(c) *Displacement made necessary by acquisition*. The displacement of a site occupant from an interim assistance area is deemed made necessary by acquisition if the vacation of the real property occurs after the Agency has acquired legal or equitable title or the right to possession and has ordered the site occupant to vacate the real property.

(d) *Displacement made necessary by demolition of unfit structures*. The displacement of a site occupant from an interim assistance area is deemed made necessary by demolition of unfit structures if the vacation of the real property occurs under the following circumstances: (1) The structures occupying the real property are structurally unsound or unfit for human habitation and constitute a public nuisance and serious hazard to the public health and safety, and the Agency has so determined; and (2) the vacation of the real property occurs after the Agency has ordered the real property to be vacated and demolished.

(e) *Small business displacement payment*. A small business concern which

satisfies the eligibility condition of paragraph (a) of this section is eligible for a small business displacement payment if the concern:

(1) Is not part of an enterprise having two or more establishments outside the interim assistance area;

(2) Satisfies the requirement of § 3.103(d)(3) governing evidence of earnings; and

(3) Was doing business in the interim assistance area on the date of approval by the city, other municipality, or county of an application for a Federal financial assistance contract for the area.

(f) *Temporary on-site moves*. No relocation payment shall be made to a site occupant for a temporary move within the interim assistance area.

6. Section 3.103c is revised to read as follows:

§ 3.103c Eligibility—relocation adjustment payment; additional relocation payment; replacement housing payment.

(a) *Relocation adjustment payment*. A family or elderly individual who satisfies the eligibility conditions of § 3.103(a) (displacement from an urban renewal area) or § 3.103a(a) (displacement from a code enforcement or demolition grant area) prior to August 1, 1968, is eligible for a relocation adjustment payment if the site occupant:

(1) Is unable to secure a suitable dwelling unit in (i) a low-rent housing project assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes) or (ii) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(a));

(2) Has moved to a decent, safe, and sanitary dwelling; and

(3) In the case of an urban renewal area is displaced on or after January 27, 1964.

(b) *Additional relocation payment*. A family or elderly or handicapped individual who satisfies the eligibility requirements of § 3.103(a) (displacement from an urban renewal area), § 3.103a(a) (displacement from a code enforcement or demolition grant area), or § 3.103b(a) (displacement from an interim assistance area), on or after August 1, 1968, is eligible for an additional relocation payment if the site occupant:

(1) Is unable to secure a suitable dwelling in (i) a low-rent housing project assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes) or (ii) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(a));

(2) Has moved to a decent, safe, and sanitary dwelling;

Provided, That an additional relocation payment not to exceed \$500 in the first 12 months and \$500 in the second 12 months may be made on a lump-sum basis or other than a monthly basis in

cases in which other than monthly payments are determined warranted by HUD.

(c) *Replacement housing payment.* A family or individual who satisfies the eligibility conditions of § 3.103(a) (displacement from an urban renewal area), § 3.103a(a)(1) (displacement from a code enforcement or demolition grant area), or § 3.103b(a)(1) (displacement from an interim assistance area), on or after August 1, 1968, is eligible for a replacement housing payment if the site occupant:

(1) Is the owner of the real property acquired for a project assisted under title I;

(2) Has occupied a single- or two-family dwelling located on the real property for not less than 1 year prior to the initiation of negotiations for the acquisition of the property;

(3) Does not receive the additional relocation payment provided for by § 3.103c(b);

(4) Purchases and occupies a replacement dwelling within 1 year subsequent to the date on which he is required to move from the dwelling acquired for the project; and

(5) Does not receive a payment pursuant to the State law of eminent domain determined by HUD to have substantially the same purpose and effect as would a replacement housing payment, and to be a part of the cost of the project for which Federal financial assistance is available.

7. Section 3.104 is amended by revising the heading and paragraph (a), deleting the proviso in paragraph (d), and adding a new subparagraph (3) to paragraph (e), to read as follows:

§ 3.104 Administration of relocation payments.

(a) *Conditions for relocation payment.* The Agency (or, if the Agency is the municipality, the board or commission responsible for carrying out the federally assisted activities or, if there is no such board or commission, the principal executive officer of the municipality) shall approve a schedule (Form HUD-6148) of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments and additional relocation payments in accordance with §§ 3.109(b)(2) and (3), and a separate schedule (Form HUD-6155) for determining the average price of standard sales housing in a locality, and any other conditions under which the Agency will make relocation payments. The schedules and conditions shall be consistent with the regulations in this subpart and shall be available in written form to site occupants in the office of the Agency.

(d) *Prompt payment.* A relocation payment shall be made by the Agency as promptly as possible after a site occupant's eligibility has been determined in accordance with the regulations in this subpart.

(e) Certain determinations. * * *

(3) No claim based upon interim assistance involving improvement to private properties shall be approved unless the Agency shall have determined that the claimant was displaced by such activities. The determination shall be supported by a statement by the Agency giving the factual basis on which the determination was made.

8. Section 3.108(c) is revised in part to read as follows:

§ 3.108 Filing of claims.

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property, or a small business displacement payment shall be submitted to the Agency within a period of 6 months after the displacement of the claimant. A claim for settlement costs shall be submitted within 6 months after the costs have been incurred. A claim for a relocation adjustment payment or for an additional relocation payment shall be submitted within a period of 60 days after the displacement of the claimant. A claim for a replacement housing payment shall be submitted within 18 months after the displacement of the claimant.

9. Section 3.109(b) is amended by revising the heading and adding new paragraphs (3) and (4), to read as follows:

§ 3.109 Limitations on amount of relocation payments.

(b) *Small business displacement payment; relocation adjustment payment; additional relocation payment and replacement housing payment. * * **

(3) *Maximum amount—additional relocation payment.* The total additional relocation payment that may be made to a family or elderly or handicapped individual shall consist of monthly payments over a period not to exceed 24 months and shall be paid in an amount (not to exceed \$500 in the first 12 months and not to exceed \$500 in the second 12 months) which, when added to 20 percent of the annual income of the family or individual at the time of displacement, shall be equal to the average annual gross rental required at such time to secure a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual (in the area in which the federally assisted activities are carried out or in other areas not generally less desirable in regard to public utilities and commercial facilities), as determined by the Agency.

(4) *Maximum amount—replacement housing payment.* The total replacement housing payment that may be made for a family or individual eligible for a replacement housing payment under § 3.103c(c) of the regulations in this subpart shall be an amount not to exceed \$5,000, which, when added to the acquisition

payment, shall be equal to the average price required for purchase of a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced owner, which is reasonably accessible to public services and places of employment, and which is available on the private market.

10. Section 3.110 is revised to read as follows:

§ 3.110 Determinations in condemnation proceedings.

Notwithstanding any other provision of the regulations in this subpart, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for any of the expenses included within the definition of relocation payment in § 3.101 (p) of this subpart, the portion of the judgment representing compensation for these expenses, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations of § 3.109: *Provided*, That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

(42 U.S.C. 1465(e); Secretary's delegation of authority to Assistant Secretary for Renewal and Housing Assistance published at 31 F.R. 8964, June 29, 1966)

Effective date. These amendments shall be effective as of February 27, 1969.

HOWARD J. WHARTON,
Acting Assistant Secretary for
Renewal and Housing Assistance.

[F.R. Doc. 69-2392; Filed, Feb. 26, 1969;
8:50 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 69-13]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Maumee River, Ohio

1. Repairs have been completed on the Cherry Street Bridge across the Maumee River, mile 4.4, Toledo, Ohio. The special operation regulations for the Cherry Street bridge and the Craig Memorial Highway bridge across the Maumee River, mile 3.3, Toledo, Ohio, are therefore no longer required. The purpose of this document is to revoke the requirements set forth in 33 CFR 117.706b.

2. By virtue of the authority vested in me as Commandant, U.S. Coast Guard by 14 U.S.C. 632 and 49 CFR 1.4(a)(3), the text of 33 CFR 117.706b is revoked as of the date of publication of this document in the FEDERAL REGISTER:

§ 117.706b Maumee River, Toledo, Ohio.
[Revoked]

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g),
80 Stat. 941; 33 U.S.C. 499, 49 U.S.C. 1655(g);
49 CFR 1.4(a) (3) (v))

Dated: February 19, 1969.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[P.R. Doc. 69-2378; Filed, Feb. 26, 1969;
8:40 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter I—Federal Procurement Regulations

PART 1-3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendments

This amendment of the Federal Procurement Regulations makes changes in and additions to Part 1-3, Procurement by Negotiation. The significant changes include modification of the coverage pertaining to the use of cost or pricing data (including revised contract clauses), expanded coverage on contract audit as a pricing aid, and other changes which are essentially editorial in nature.

The table of contents for Part 1-3 is amended by the addition of the following new entries:

Sec.	
1-3.801-1	General.
1-3.801-2	Responsibility of contracting officers.
1-3.801-3	Responsibility of other personnel.
1-3.809	Contract audit as a pricing aid.
1-3.810	Exchange of information.
1-3.811	Record of price negotiation.
1-3.812	Disposition of postaward audits.

Subpart 1-3.8—Price Negotiation Policies and Techniques

Sections 1-3.800, 1-3.801, 1-3.807-3, 1-3.807-4, 1-3.807-5, 1-3.809, and 1-3.814 are revised and new §§ 1-3.801-1, 1-3.801-2, 1-3.801-3, 1-3.810, 1-3.811, and 1-3.812 are added, as follows:

§ 1-3.800 Scope of subpart.

This subpart sets forth the price negotiation policies and techniques applicable to negotiated prime contracts and modifications thereto (including modifications to formally advertised contracts) and to those subcontracts which are subject to approval or review within an agency. The principles in this subpart apply to negotiation of prices on all types of contracts, to equitable adjustments thereunder, and to revised prices as well as initial prices.

§ 1-3.801 Basic policy.

§ 1-3.801-1 General.

It is the policy of the Government to procure property and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall cost to the Government.

Sound pricing depends primarily upon the exercise of sound judgment by all personnel concerned with the procurement.

§ 1-3.801-2 Responsibility of contracting officers.

(a) Contracting officers, acting within the scope of their appointments (and in some cases acting through their authorized representatives) are the exclusive agents of their respective agencies to enter into and administer contracts on behalf of the Government in accordance with agency procedures. Each contracting officer is responsible for performing or having performed all administrative actions necessary for effective contracting. The contracting officer shall exercise reasonable care, skill, and judgment and shall avail himself of all of the organizational tools (such as the advice of specialists in the fields of contracting, finance, law, contract audit, engineering, traffic management, and cost or price analysis) necessary to accomplish the purpose as, in his discretion, will best serve the interests of the Government.

(b) To the extent services of specialists are utilized in the negotiation of contracts, the contracting officer must coordinate a team of experts, requesting advice from them, evaluating their counsel, and availing himself of their skills as much as possible. The contracting officer shall obtain simultaneous coordination of the specialists' efforts to the greatest practical extent. He shall not, however, transfer his own responsibilities to them. Thus, determination of the suitability of the contract price to the Government always remains the responsibility of the contracting officer.

(c) When the contractor insists on a price or demands a profit or fee which the contracting officer considers unreasonable, the contracting officer shall (1) determine the feasibility of developing an alternate source of supply, and (2) take such other action within his authority as may be appropriate in the circumstances. If, after exhausting the above course of action, a satisfactory solution has not been obtained, the contracting officer shall proceed in accordance with agency regulations. With regard to a contractor's refusal to provide cost or pricing data, see § 1-3.807-6.

§ 1-3.801-3 Responsibility of other personnel.

(a) *Requirements and other logistics personnel.* Personnel, other than the contracting officer, who determine type, quality, quantity, and delivery requirements for property and services to be procured, can influence the degree of competition obtainable and exert a material effect upon prices. Failure to determine requirements in sufficient time to allow (1) a reasonable period for preparation of requests for proposals, (2) preparation of quotations by offerors, (3) contract negotiation and preparation, or (4) adequate lead time for manufacturing or performance causes delays in deliveries and uneconomical prices. Requirements issued on an urgent basis or

with unrealistic delivery schedules should be avoided since they generally increase prices or restrict desired competition. Personnel determining requirements, specifications, adequacy of sources of supply, and like matters have responsibility in such areas for timely, sound, and economical procurements.

(b) *Pricing personnel.* To the extent they are available and their use is appropriate, the services of pricing personnel shall be utilized as provided in this paragraph (b).

(1) The contract pricing team to support the contracting officer in the review and analysis of pricing proposals may include a price specialist (or analyst), negotiator, buyer, project engineer, contract auditor, and other professional and technical specialists, such as production, quality control, packaging, and transportation specialists.

(2) The advice and assistance of pricing personnel (such as a price specialist or analyst, or contract auditor) should be obtained when complex pricing techniques are indicated, including the use of contract types involving the skillful balancing of price, cost, and performance incentive arrangements. Such pricing personnel or negotiators supporting the contracting officer may be designated to develop a Government pricing objective prior to the negotiation. In such case, this may include the responsibility for:

(i) Determining the extent of advice required from other specialists, requesting, obtaining, and considering such advice, and for obtaining pricing data, including cost and price analyses, historical cost or pricing data, independent Government cost estimates, economic analyses and the like; and

(ii) Consolidating and evaluating the findings of the pricing team members, and for the analysis of proposed prices in consideration of, but not limited to, such factors as the need for quantities and kinds of materials included in the proposal; the need for the number and kinds of man-hours; the need for special tooling and facilities; and the reasonableness of scrap and spoilage factors. These analyses shall be based on the team members' knowledge of production, quality control, engineering and manufacturing practices and techniques and information as to plant capacity, scheduling, engineering and production "know-how," Government property, make-or-buy considerations, and industrial security, particularly as these relate to the practices of the specific prospective contractor.

(3) The contract auditor is responsible for submission of information and advice, based on his analysis of the contractor's books and accounting records or other related data, as to the acceptability of the contractor's incurred and estimated costs. The auditor shall report any denial by the contractor of access to records or cost or pricing data which the auditor considers essential to the preparation of a satisfactory report. If the auditor believes that the contractor's

estimating methods or accounting system are inadequate to produce valid support for the proposal or to permit satisfactory administration of the type of contract contemplated, this shall be stated in the audit report and concurrently made known to the contractor so that he may have the opportunity of presenting his views to the contracting officer. Where the contracting officer determines that deficiencies in the contractor's accounting system or estimating methods are such that the proposed contract cannot be adequately priced or administered, he shall, with the advice of the contract auditor, ensure that necessary corrective action is initiated prior to the award of such contract. Generally, the auditor has responsibility for performing that part of reviews and cost or price analyses which requires access to the contractor's books and financial records supporting proposed cost or pricing data, regardless of the dollar amount involved. This does not preclude the contracting officer or his technical representatives from requesting any data from, or reviewing records of, the contractor (such as cost or pricing data, list of labor operations, process sheets, etc.) necessary to the discharge of their responsibilities.

(4) In order to provide the contracting officer with maximum support, it is essential that there be close cooperation and communication between the contract auditors and the production and other technical specialists. Such coordination will be accomplished in a manner which will minimize duplication of analysis (see § 1-3.809(b)(3)). The analyses by technical and audit personnel are of mutual interest, and information relating thereto shall be exchanged throughout the review process. It is recognized that the duties of auditors and those of other technical specialists in many cases require both to evaluate the same elements of estimated costs. While they shall review the data jointly or concurrently wherever possible, each shall render his services within his own area of responsibility. For example, on quantitative factors (such as labor hours), the auditor will frequently find it necessary to compare proposed hours with hours actually expended on the same or similar products in the past as reflected on the cost records of the contractor. From this information he can often project trend data. The technical specialist may also analyze the proposed hours on the basis of his knowledge of such things as shop practices, industrial engineering, time and motion factors, and the contractor's plant organization and capabilities. The interchange of this information will not only prevent duplication but will ensure adequate and complementary analysis.

(5) Pricing based on cost analysis involves, among other things, an appraisal of estimates of costs expected to be incurred in the future. The accounting projection of trends based on cost or pricing data, together with any known changes therein, is only one method of conducting this appraisal, others being:

(i) An engineering appraisal of the

need for the estimated labor and material costs and of tooling and facilities, and the reasonableness of scrap and spoilage factors; and

(ii) The preparation of independent estimates by competent technical personnel.

Occasionally, differences of opinion will exist not only on the reasonableness of cost projections but also on the accounting techniques on which they are based. In addition, it is normally not possible to negotiate a pricing result which is in strict accord with all of the opinions of all the specialists, or even with the Government's pricing objective. Reasonable compromises are normally necessary and this fact must be understood by all members of the team. For all of these reasons audit reports or pricing recommendations by others must be considered to be advisory only. The contracting officer is responsible for the exercise of the requisite judgments and is solely responsible for the final pricing decision. In these instances where the contracting officer does not adopt audit or other specialist recommendations that have particular significance on the contract price, appropriate comments shall be included in the record of the negotiation (see § 1-3.811).

(6) Whenever it becomes apparent to the contracting officer that the negotiations will require the resolution of complex problems which involve items significant in amount, he shall request attendance by audit and other appropriate representatives at the negotiation meeting.

§ 1-3.807-3 Requirements for cost or pricing data.

(a) The contracting officer shall, except as provided in paragraph (b) of this section, require the prospective contractor or contractor, as the case may be, to submit written cost or pricing data (or to specifically identify such data in writing if actual submission of the data is impracticable), and to certify, by the use of the certificate set forth in § 1-3.807-4 that, to the best of his knowledge and belief, the cost or pricing data he submitted or identified was accurate, complete, and current prior to:

(1) The award of any negotiated contract expected to exceed \$100,000 in amount; or

(2) The pricing of any contract modification expected to exceed \$100,000 in amount to any formally advertised or negotiated contract whether or not cost or pricing data was required in connection with the initial pricing of the contract.

(b) The requirements of paragraph (a) of this section need not be applied where cost-reimbursement type contracts for construction or cost-reimbursement type contracts for basic research with educational institutions are involved or where the contracting officer determines, in writing, that the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general

public, or prices set by law or regulation; or where, in exceptional cases, the head of the agency or his authorized designee authorizes the waiver of those requirements and states in writing his reasons for such determination (see § 1-3.302 (e)).

(c) The furnishing and certification of cost or pricing data shall be required prior to the award of any negotiated contract not expected to exceed \$100,000 in amount, or prior to the pricing of any contract modification not expected to exceed \$100,000 in amount, to any formally advertised or negotiated contract whether or not cost or pricing data was required in connection with the initial pricing of the contract: *Provided*, That it is considered that the circumstances warrant such action, such as in paragraph (g) of this section. However, certification of the data shall not be required in the case of cost and cost-sharing contracts, the estimated cost of which does not exceed \$100,000 and under which the contractor receives no fee.

(d) Any contractor who has been required to submit and certify cost or pricing data in accordance with this § 1-3.807-3 shall also be required to obtain cost or pricing data from his subcontractors under the circumstances set forth in the appropriate clause in § 1-3.814-3.

(e) Whenever a certificate of cost or pricing data is required, the applicable clause in § 1-3.814-1 shall be included in the contract (including invitations for bids and requests for proposals), and the appropriate clauses in §§ 1-3.814-2 and 1-3.814-3 shall be used if required by those sections. Where such a certificate is required in accordance with § 1-3.807-3(c), those clauses shall be modified, as appropriate.

(f) When there is adequate price competition or when prices are set by law or regulation, cost or pricing data shall not be requested regardless of the dollar amount involved. As a general rule, cost or pricing data should not be requested when it has been determined that proposed prices are, or are based on, established catalog or market prices of commercial items sold in substantial quantities to the general public. Exceptions to the general rule include the following:

(1) Where, despite the willingness of a number of commercial purchasers to buy an item as such a catalog or market price, the contracting officer finds that that price is not reasonable and supports such finding by an enumeration of the facts upon which it is based, cost or pricing data may be requested if necessary to establish a reasonable price: *Provided*, That such finding is approved at a level, if any, above the contracting officer.

(2) Cost or pricing data may be requested, if necessary, where there is such a disparity between the quantity being procured and the quantity for which there is such a catalog or market price that the reasonableness of the proposed price cannot be determined by comparing the proposed price with the market or

catalog price. Where an item is substantially similar to a commercial item for which there is an established catalog or market price at which substantial quantities are sold to the general public, but the offered price of the former is not considered to be "based on" the price of the latter in accordance with § 1-3.807-1 (b) (2), any requirement for cost or pricing data should be limited to that pertaining to the differences between the items, if this limitation is consistent with ensuring reasonableness of the price.

(g) (1) Certified cost or pricing data shall not be requested prior to the award of any contract anticipated to be for \$10,000 or less and generally should not be requested for modifications in those amounts. There should be relatively few instances where certified cost or pricing data and the inclusion of defective pricing clauses would be justified in awards between \$10,000 and \$100,000. In most such awards, the administrative costs will outweigh the benefits which might otherwise accrue from receipt of certified cost or pricing data. Accordingly, all other means of determining reasonableness of price should be utilized. When less than complete cost analysis (e.g., analysis of only specific factors) will provide a reasonable pricing result (see § 1-3.807-2(a)) on awards under \$100,000 without the submission of complete cost or pricing data, the contracting officer shall request, without certification, only that data which he considers adequate to support the limited extent of the cost analysis required.

(2) Although cost and pricing data was requested in the solicitation, a certification of cost and pricing data shall not be requested in connection with the award of any contract of any dollar value where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(h) (1) "Cost or pricing data" as used in this Subpart 1-3.8 consists of all facts existing up to the time of agreement on price which prudent buyers and sellers would reasonably expect to have a significant effect on the price negotiations. The definition of cost or pricing data embraces more than historical accounting data; it also includes, where applicable, such factors as vendor quotations, non-recurring costs, changes in production methods and production or procurement volume, unit cost trends such as those associated with labor efficiency, make-or-buy decisions, and new source solicitations, rebates and discounts, or any other management decisions which could reasonably be expected to have a significant bearing on costs under the proposed contract. In short, cost or pricing data consists of all facts which can reasonably be expected to contribute to sound estimates of future costs as well as to the validity of costs already incurred. Cost or pricing data, being factual, is that type of information which can be verified. Because the contractor's certificate pertains to "cost or pricing data,"

it does not make representations as to the accuracy of the contractor's judgment regarding the estimated portion of future costs or projections. It does, however, apply to the data upon which the contractor's judgment is based. This distinction between fact and judgment should be clearly understood.

(2) The requirement for submission of cost or pricing data is met when all accurate cost or pricing data reasonably available (see § 1-3.807-5(a) (1)) to the contractor at the time of agreement on price is submitted in writing, or specifically identified in writing if actual submission of the data is impracticable, to the contracting officer or his representative. The distinction between the "submission" of cost or pricing data and the "making available" of records should be clearly understood. The mere availability of books, records, and other documents for verification purposes does not constitute submission of cost or pricing data.

§ 1-3.807-4 Certificate of current cost or pricing data.

Where a certification of cost or pricing data is required in accordance with § 1-3.807-3, a certificate in the form set forth below shall be included in the contract file along with the documents supporting the negotiation. The contractor shall be required to submit only one certificate which shall be submitted as soon as practicable after agreement is reached on the contract price.

CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data¹ submitted in writing, or specifically identified in writing if actual submission of the data is impracticable (see § 1-3.807-3(b) (2)), to the Contracting Officer or his representative in support of _____² are accurate, complete, and current as of _____³

(date) Firm _____
Name _____
Title _____
(Date of execution)

§ 1-3.807-5 Defective cost or pricing data.

(a) Where any price to the Government, including profit or fee, and price

¹ For definition of "cost or pricing data," see FPR § 1-3.807-3.

² Describe the proposal, quotation, request for price adjustments, or other submission involved, giving appropriate identifying number (e.g., RFP No. _____).

³ This date shall be the date when the price negotiations were concluded and the contract price was agreed to. The responsibility of the contractor is not limited by the personal knowledge of the contractor's negotiator. If the contractor had information reasonably available (see § 1-3.807-5(a)) at the time of agreement, showing that the negotiated price is not based on accurate, complete, and current data.

⁴ This date should be as close as practicable to the date when the price negotiations were concluded and the contract price was agreed upon.

adjustments, must be negotiated largely on the basis of cost or pricing data submitted by the contractor, it is essential that the data be accurate, complete, and current and in appropriate cases so certified by the contractor (see §§ 1-3.807-3 and 1-3.807-4). If such certified cost or pricing data is subsequently found to have been inaccurate, incomplete, or noncurrent as of the effective date of the certificate, the Government is entitled to an adjustment of the negotiated price, to exclude any significant sum by which the price was increased because of the defective data. The clauses set forth in § 1-3.814-1 give the Government in such a case an enforceable contract right to a price adjustment; that is, to a reduction in the price to what it would have been if the contractor had submitted accurate, complete, and current data. In arriving at a price adjustment under a clause, the contracting officer should, after review of the record of the contract negotiation (see § 1-3.811), consider the following:

(1) Certain data such as overhead expenses and production records may not be reasonably available except on normal periodic closing dates. Also, the data on numerous minor material items, each of which by itself would be insignificant, may be reasonably available only as of a cutoff date prior to agreement on price because the volume of transactions would make the use of any later date impracticable. Furthermore, except where a single item is used in apparently substantial quantities, the net effect of any changes to the prices of such minor items would likely be insignificant. Closing or cutoff dates should be included as a part of the data submitted with the contractor's proposal and should be updated by the contractor to the latest closing or cutoff dates, preceding agreement on price, for which such data is available. The contracting officer and contractor are encouraged to reach a prior understanding on criteria for establishing closing or cutoff dates, and to the extent possible the understanding should relate to an approved estimating system. Notwithstanding the foregoing, matters which are significant to contractor management and to Government and any related data would be expected to be current on the date of agreement on price and therefore will be treated as reasonably available as of that date. Although changes in the labor base or in prices of major material items are generally significant matters, no hard and fast rule can be laid down since what is significant can depend upon such circumstances as the size and nature of the procurement.

(2) In establishing that the defective data caused an increase in the contract price, the contracting officer is not expected to reconstruct the negotiation by speculating as to what would have been the mental attitudes of the negotiating parties if the correct data had been submitted at the time of agreement on price. In the absence of evidence to the contrary, the natural and probable consequence of defective data is an increase

in the contract price in the amount of the defect plus the amount of the related burden and profit or fee; therefore, unless there is a clear indication that the defective data was not used, or was not relied upon, the contract price should be reduced by the aggregate of these amounts.

(3) As a general rule, understated cost or pricing data shall not be "set off" against overstated cost or pricing data in arriving at a price adjustment. However, where there is a question as to the accuracy of a single item of data which is an average or composite rate, overstatements in making up the rate may be set off by understated data for the purpose of correcting the rate submitted by the contractor. In addition, as a further exception to the general rule against set off, overstated data (such as unit price) relating to a single item may be offset by understated data (such as quantity) relating to the same item. In any case, the contract price shall be adjusted only if the net adjustment is downward.

(b) If, at any time prior to agreement on price, the contracting officer learns through audit or otherwise that any cost or pricing data submitted is inaccurate, incomplete, or noncurrent, he shall immediately call it to the attention of the contractor whether that defective data tends to increase or decrease the contract price. Thereafter, the contracting officer shall negotiate on the basis of any new data submitted, or on a basis which in his opinion makes satisfactory allowance for the incorrect data as he considers appropriate and shall reflect these facts in his record of negotiation.

(c) After award, if the contracting officer obtains information which leads him to believe that the data furnished may not have been accurate, complete, and current, or if he considers that the data may not have been adequately verified as of the time of negotiation, he should request an audit to evaluate the accuracy, completeness, and currency of such data. In the case of negotiated firm fixed-price contracts, postaward cost performance audits, pursuant to a clause set forth in § 1-3.814-2, shall be limited to the single purpose of determining whether or not defective cost or pricing data was submitted. Such audits shall not be for the purpose of evaluating profit-cost relationships, nor shall any repricing of such contracts be made because the realized profit was greater than was forecast, or because some contingency cited by the contractor in his submission failed to materialize, unless the audit reveals that the cost or pricing data certified by the contractor was, in fact, defective (see § 1-3.812).

(d) Under the "Price Reduction for Defective Cost or Pricing Data" clauses in § 1-3.814-1, the Government's right to reduce the prime contract price extends to cases where the prime contract price was increased by any significant sums because a subcontractor furnished defective cost or pricing data in connection with a subcontract where a certificate of cost or pricing data was, or should have been, furnished. In some cases, as where

the defective nature of a subcontractor's data is only disclosed by Government audit, the information necessary to support a reduction in prime contract and subcontractor prices may be available only from the Government. To the extent necessary to secure a prime contract price reduction, the contracting officer should make such necessary information available upon request to the prime contractor or higher tier subcontractors; however, if the release of such information would compromise Government security or disclose trade secrets or other confidential business information, it shall be made available only under conditions that will fully protect it from improper disclosure. Information made available pursuant to this paragraph shall be limited to that used as the basis for the prime contract price reduction.

(e) Inasmuch as price reductions under the Price Reduction for Defective Cost or Pricing Data clauses may involve first- and lower-tier subcontractors as well as the prime contractor, the contracting officer should give the prime contractor reasonable advance notice before making a determination to reduce the contract price under such clauses, in order to afford the prime contractor an opportunity to take any action deemed advisable by him, particularly in connection with any subcontracts that may be involved.

§ 1-3.809 Contract audit as a pricing aid.

Contract audit as a pricing aid shall be utilized to the fullest extent appropriate as provided by this section, except as otherwise provided by the head of the agency if audit resources are unavailable.

(a) *General.* Contract auditors are professional accountants who, although organizationally independent, are the principal advisors to contracting officers on contractor accounting and contract audit matters. Contract audit services include:

(1) The submission of audit reports which set forth the results of auditors' reviews and analyses of cost data submitted by contractors as part of pricing proposals, reviews of contractors' accounting systems, estimating methods, and other related matters; and

(2) Personal consultation and advice to procurement and contract administration personnel in connection with analyses of contractors' cost representations and related matters, including counsel (with or without an audit) on accounting and financial subjects.

(b) *Auditor's reports on contract price proposals.* (1) Prior to negotiation of any contract or modification resulting from a proposal in excess of \$100,000 (including initial prices, estimated costs of cost-reimbursement types, interim and final price redeterminations, escalation, target, settlement of incentive types and modifications to formally advertised contracts), where the price will be based on cost or pricing data (§ 1-3.807-3) submitted by the contractor, the contracting officer or his authorized representative shall request an audit review by the contract audit activity. In arriving at

the aggregate amount involved in a contract or modification, there shall be included all personal property and non-personal services (including construction) which would properly be grouped together in a single transaction. Requirements shall not be split into several contracts or modifications which are less than \$100,000, but which aggregate more than \$100,000.

(i) The requirement for audit of proposals which exceed \$100,000 may be waived by the contracting officer whenever it is clear that information already available is adequate for the proposed procurement. In such case, the contract file shall be documented to reflect the reason for any such waiver; *Provided, however,* That independent Government estimates of cost or price shall not be used as the sole justification for any such waiver (see § 1-3.811(a)(4)).

(ii) Audits should be requested for proposals of less than \$100,000 where a valid need exists, such as:

(a) Inadequate knowledge concerning the contractor's accounting policies, cost systems, or substantially changed methods or levels of operation;

(b) Previous unfavorable experience indicating doubtful reliability of the contractor's estimating, accounting, or purchasing methods; or

(c) Procurement of a new product for which cost experience is lacking.

(iii) The terms "audit review" and "audit" are used interchangeably to refer to examinations by contract auditors, of contractors' statements of (a) costs to be incurred (cost estimates), or (b) costs actually incurred, to the extent deemed appropriate by the auditors in the light of their experience with the contractors, and relying upon their appraisals of the effectiveness of contractors' policies, procedures, controls, and practices. Such audit reviews or audits may consist of desk reviews, test checks of a limited number of transactions, or examinations in depth, at the discretion of the auditor.

(2) The contracting officer shall establish the due date for receipt of the auditor's report and in so doing shall allow as much time as possible for the audit work. Within the time available the overall scope and depth of the audit shall be determined by, and be the full responsibility of, the contract auditor. Any particular areas identified by the contracting officer for special emphasis shall be specifically included in the report. Since time is highly important in most negotiation situations, the auditors should give sufficient priority to reports for forward pricing to meet established due dates. If the time available is not adequate to permit satisfactory coverage of the proposal, the auditor shall so advise the contracting officer and indicate the additional time needed. The contracting officer shall promptly advise the auditor whether the extension of the report due date can be granted.

(3) When requesting the contract auditor to review and evaluate a contractor's proposal, the contracting officer shall identify any areas where he desires

particular pricing effort. If there are audit work program conflicts, priorities should be worked out jointly between the auditor and the contracting officer. Arrangements should be made by the auditor through the contracting officer for technical assistance, as needed.

(4) During the course of the examination, the auditor should discuss any pertinent matters with the contractor to the extent necessary to enable the auditor to fully understand the basis for each item in the contractor's proposal and to remove any doubts which may exist in the auditor's mind as to the validity and accuracy of his conclusions and audit findings. Before such discussions are concluded, the auditor should have explored and discussed with the contractor any discrepancies noted in his examination involving cost or pricing data as defined under § 1-3.807-3. The audit report shall include a summary of the contractor's position on those major points where disagreement remains. The auditor shall exercise care to prevent disclosure of the technical analysis and similar information that would prejudice the Government's negotiating position.

(5) The auditor, as part of his report, shall set forth the basis and method used by the contractor in preparing his proposal. Also, the report shall clearly identify the contractor's original proposal and all subsequent written formal submissions to the contracting officer or to the auditor, of cost or pricing data identified as such by the contractor. In addition, cost or pricing data not submitted by the contractor but otherwise coming to the auditor which has a significant effect on the proposed cost or price shall also be described in the advisory audit report. If the auditor determines that the cost or pricing data submitted by the contractor is not accurate, complete, and current, the auditor shall describe the deficiency and explain its significance in the audit report. Where the resulting overall effect on the proposed cost or price is of such magnitude that the contractor's proposal is of little use as a basis for negotiation, the audit report shall so state. None of the above is intended to relieve the contractor of his obligation to submit accurate, complete, and current cost or pricing data.

(6) Reports of technical analysis and review should be furnished to the auditor at the earliest possible date, and, where practicable, at least 5 days prior to the due date of the audit report, to enable the auditor to include the financial effect of technical findings in the audit report (for example, the necessary computations of dollar amounts arising from changes in proposed kinds and quantities of materials, labor hours, etc.). In the event the technical analyses are not available in time to be reflected in the audit report, the audit report shall so state. If technical analyses are received later by the auditor, he shall issue a supplemental report if the status of the negotiation is such that a report would serve a useful purpose. The original of all technical reports received by the auditor shall be made a part of the audit report.

(7) The audit report, giving the financial effect of related technical and other evaluations, shall be forwarded by the auditor to the contracting officer. If any information disclosed subsequent to the receipt of the audit report is such as to significantly affect the audit findings, the contracting officer should promptly advise the auditor, who shall determine whether to issue a supplemental report.

(8) Information generated through sources other than the contractor's records may be available to the contracting officer which may affect the Government's negotiating position. The auditor shall not disclose to the contractor his conclusions and recommendations to the contracting officer on the contractor's proposal. No portion of the advisory audit report shall be furnished to the contractor without the concurrence of the contracting officer. The auditor shall not disclose to the contractor the results of technical analysis and similar information that would prejudice the Government's negotiating position. The above limitations are not intended to preclude disclosure of discrepancies or mistakes of fact such as duplications, omissions, and errors in computations, contained in the contractor's cost or pricing data supporting the proposal.

(9) If, in the opinion of the contracting officer, or auditor, the review of a prime contractor's proposal requires audit reviews of subcontractors' cost estimates at the subcontractors' plants (after due consideration of reviews performed by the prime contractor), such reviews should be arranged through audit channels. Criteria as to necessity for audit of subcontracts shall be in accordance with guidelines applicable to prime contracts. Where technical reviews are needed they shall be arranged through the contracting officer.

(10) The audit report shall be made a part of the official contract file.

(c) *Additional function of the contract auditor.* (1) Under cost-reimbursement type contracts, the cost-reimbursement portion of fixed-price contracts, letter contracts which provide for reimbursement of costs, time and material contracts, and labor-hour (negotiated or formally advertised) contracts:

(i) The auditor shall conduct periodic audits of contractors as is warranted by the financial condition, integrity, reliability of the contractor, prior audit experience, adequacy of the accounting system, and the amount of unaudited claims. Advisory audit reports shall be prepared by the auditor at such times when the report is needed or desirable, and (where possible) should be rendered no less frequently than once yearly. When the circumstances warrant, arrangements may be made for the contract auditor to examine contractor's reimbursement vouchers or invoices, and transmit those approved for payment to the cognizant contracting or disbursing officer. If the contract auditor questions costs or considers them unallowable, he shall provide the contracting officer with reasons and justification therefor. The contracting officer, if he

agrees with the contract auditor, shall promptly notify the contractor in writing of the costs questioned and suspended, or disapproved. In the case of costs disapproved (including disapproval of costs previously questioned and suspended, where the difference cannot be resolved), the written notice to the contractor shall include a complete statement, as prescribed by agency procedures or regulations, to the effect that the notice constitutes a final decision of the contracting officer, the effective date of such decision, the contractor's right to appeal therefrom, and the specific procedure to be followed if the contractor decides to make such an appeal.

(ii) The contract auditor shall be responsible for performing audits of contracts in which pricing or payment is based upon cost or other financial information furnished by the contractor, when such audit is required or considered desirable.

(iii) The contract auditor shall be responsible for making appropriate recommendations to the contracting officer concerning the establishment of overhead rates (billing, provisional, or predetermined), when such rates are provided for in the contract (see Subpart 1-3.7, Negotiated Overhead Rates).

(2) Preaward surveys (see § 1-1.310-9) of potential contractor's competence to perform proposed contracts shall be arranged by the contracting officer. Where information is required on the adequacy of the contractor's accounting system or its suitability for administration of the proposed type of contract, such information shall always be obtained by the contracting officer from the auditor (see § 1-3.801-3(b)(3)). The contracting officer shall be responsible for compliance with the agency's implementing policies and procedures concerning the contractor's financial competence or credit needs (see also § 1-1.310).

(3) (i) The establishment, maintenance, and consistent use of formal cost estimating systems by contractors is to the mutual benefit of the Government and industry, particularly where a large portion of the contractor's business is Government work and there are a number of significant proposals requiring review. Procuring activities should encourage contractors to formalize and follow good estimating procedures. It is recognized that estimating procedures will vary among contractors, and may vary between plants or divisions of a contractor due to differences in products, size and methods of operations, production vs. research, and other factors. While formal systems do not eliminate the need for judgmental factors to be applied by contractors in developing cost proposals, they do provide a sound foundation for the systematic and orderly application of these judgment factors to specific proposals. The consistent preparation of proposals in accordance with an acceptable estimating system is of material benefit in ensuring both the contractor and the Government that proposals are realistically and reasonably priced, that the § 1-3.807-3 requirements for utilizing

current, accurate, and complete cost and pricing data in developing the proposal are met, and that underestimating and overestimating of contract costs are minimized. Some of the advantages of sound estimating procedures are: a greater degree of confidence can normally be placed in the accuracy and reliability of contractors' individual proposals; it expedites the negotiation process; it reduces the amount of detailed explanation of estimating processes on each individual proposal; and, as in the case of the well established practice regarding acceptable accounting systems, reduces the scope of reviews performed by audit and other technical and procurement personnel.

(ii) When an audit is performed pursuant to § 1-3.809(b)(1), the contract auditor shall determine whether the contractor's estimating systems or methods are acceptable to the Government. Among the matters to be considered in determining the acceptability of the estimating systems or methods are the following:

(a) Responsibilities within the contractor's organization for originating, reviewing, and approving estimates;

(b) Procedures followed in developing estimates for each of the direct and indirect elements of cost;

(c) The source of data used in developing the estimates and in ensuring that such data are current, complete, and accurate;

(d) The documentation developed and maintained by the contractor to support the estimate;

(e) Management support of the program review including approval of the estimate, controls established to ensure consistent compliance with estimating procedures; and personnel training and evaluation programs; and

(f) The extent of coordination and communication between the various elements of the contractor's organization responsible for the estimate.

(iii) If the contractor's estimating systems or methods are not acceptable to the Government, the contracting officer shall determine whether an estimating system survey should be undertaken as a team effort (including the contract auditor and other qualified technical specialists) after consideration of criteria such as:

(a) The significance (including estimated cost or price) of all present and estimated future Government procurements, provided, that if only a one-time procurement is involved, other appropriate methods may be used to establish the reliability and reasonableness of the contractor's cost or pricing data;

(b) The benefits which might accrue to the Government in view of the cost of the survey; and

(c) The findings and corrective actions taken in connection with previous estimating surveys, if any.

(iv) A copy of the survey report, together with a copy of the official notice of corrective action (see § 1-3.801-3(b)(3)) required, shall be furnished to each agency procuring activity having busi-

ness with that contractor, and (upon request) to other procurement agencies. Any significant deficiencies in the system not corrected by the contractor shall also be considered in subsequent proposal reviews, and by contracting officers in negotiating with, and in determining the reasonableness of prices proposed by, that contractor. Where these deficiencies continue to exist and where they have adverse effect on prices, the problem should be brought to the attention of procurement officials at a level necessary to bring about corrective action.

§ 1-3.810 Exchange of information.

In appropriate cases it is desirable to exchange and coordinate specialized information regarding a contractor between procurement activities or agencies, since it will provide uniformity of treatment of major issues (see, for example, §§ 1-3.705 and 1-3.706).

§ 1-3.811 Record of price negotiation.

(a) At the conclusion of each negotiation of an initial, revised, or final price, the contracting officer shall prepare a memorandum setting forth the principal elements of the price negotiation, for inclusion in the contract file and for the use of any reviewing authorities. The memorandum shall include the following information, to the extent applicable:

(1) The name, position, and organization of conferees representing the contractor and the Government;

(2) The purpose of the negotiation;

(3) If cost or pricing data was required to be submitted and certified pursuant to §§ 1-3.807-3 and 1-3.807-4, respectively, the memorandum shall reflect the extent to which the contracting officer:

(i) Did not rely on the factual cost or pricing data submitted and did not use such data in negotiating the price; and

(ii) Recognized in the negotiation that any cost or pricing data submitted by the contractor was inaccurate, incomplete, or noncurrent; the action taken by the contracting officer and the contractor as a result; and the effect, if any, of such defective data on the price negotiated.

(4) If cost or pricing data was not required in the case of any price negotiation in excess of \$100,000, the memorandum shall include a statement of the basis for determining that (i) the price resulted from or was based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation (see § 1-3.807-1), or (ii) information already available is adequate for the proposed procurement (see § 1-3.809(b)(1)(i));

(5) A summary of the contractor's proposal, the pertinent advisory audit report recommendations, and the reasons for variation (if any) from such recommendations;

(6) The most significant facts or considerations controlling the establishment of the initial, revised, or final price; and

(7) Appropriate explanation (in fixed-price type contracts) where the total price negotiated differs significantly from the total price objective.

(b) Whenever an audit review has been made pursuant to § 1-3.809, the contracting officer shall forward a copy of the record of negotiation to the cognizant contract audit office, for use by that office and the auditor to improve the usefulness of the audit work and related reports to negotiation officials. Where appropriate, the negotiation memorandum should include (or be supplemented by) information on how the contract audit advisory services can be made more effective in future negotiations with this (or other) contractor(s).

§ 1-3.812 Disposition of postaward audits.

An auditor's advisory report of postaward reviews of cost or pricing data may result either from a specific request of a contracting officer (see § 1-3.807-5(c)) or from audit action initiated independent of a contracting officer's request. The contracting officer shall prepare a memorandum on each audit report indicating (a) whether defective data was submitted and relied upon (see § 1-3.811), and (b) the results of any contract action taken. A copy of the memorandum shall be forwarded to the auditor issuing the report.

§ 1-3.814 Contract clauses.

Where a certificate of cost or pricing data is required in accordance with § 1-3.807-3, the applicable clause in § 1-3.814-1 shall be included in the contract, and the appropriate clauses in §§ 1-3.814-2 and 1-3.814-3 shall be used if required by those sections.

§ 1-3.814-1 Price reduction for defective cost or pricing data.

(a) The following clause shall be included in all negotiated contracts which, when entered into, exceed \$100,000 and the price is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. However, the requirement for obtaining cost or pricing data need not be applied and the clause need not be included where, in accordance with § 1-3.807-3(b), (1) cost-reimbursement type contracts for construction or cost-reimbursement type contracts for basic research with educational institutions are involved, or (2) the requirement for cost or pricing data has been waived by the head of the agency. In addition, the clause, with the dollar amounts appropriately reduced with respect to contracts of \$100,000 or less, shall be included in other negotiated contracts for which a certificate of cost or pricing data is required, in accordance with § 1-3.807-3(c), in connection with the initial pricing of the contract.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data"

or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

(b) The following clause shall be included in all contracts, both formally advertised and negotiated, which when entered into exceed \$100,000, other than those described in § 1-3.814-1(a). However, the clause need not be included where, in accordance with § 1-3.807-3(b), the requirement for obtaining cost or pricing data has been waived by the head of the agency. In addition, the clause, with dollar amounts appropriately reduced, shall be included in contracts of this type which do not exceed \$100,000 where a certificate of cost or pricing data is required in accordance with § 1-3.807-3(c) in connection with the pricing of contract modifications.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of \$100,000 that is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause shall be limited to such price adjustments.

(b) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with any price adjustment under this contract was increased by any significant sums because the Contractor or any subcontractor, pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data—Price Adjustments" or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data, then such price shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(NOTE: Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.)

(c) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) The requirement for inclusion of the clauses in paragraphs (a) and (b) of this § 1-3.814-1 in contracts with foreign governments or agencies thereof may be waived in exceptional cases where the head of the agency or his designee authorizes such waiver and states in writing his reasons for such determination.

§ 1-3.814-2 Audit and records.

(a) The following clause shall be included only in firm fixed-price and fixed-price with escalation negotiated contracts which when entered into exceed \$100,000, except (1) where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, or (2) where, in accordance with § 1-3.807-3(b), the requirement for obtaining cost or pricing data has been waived by the head of the agency. In addition, the clause, with appropriate reduction in the dollar amounts provided therein, shall be included in contracts of this type which do not exceed \$100,000 where a certificate of cost or pricing data is required in accordance with § 1-3.807-3(c) in connection with the initial pricing of the contract.

AUDIT

(a) For purposes of verifying that certified cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of \$100,000, were accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The Contractor agrees to insert this clause, including this paragraph (b), in all subcontracts hereunder which when entered into exceed \$100,000, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that, in the case of any contract change or modification, such change or modification results from a change or other modification to the Government prime contract." In each such excepted subcontract hereunder which when entered into exceeds \$100,000, the Contractor shall insert the following clause.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of \$100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold

in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract results from a change or other modification to the Government prime contract.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or modification was accurate, complete and current, the Contracting Officer of the Government prime contract, or his authorized representative, shall, until the expiration of three years from the date of final payment under this contract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed \$100,000.

(b) The following clause shall be included (1) in formally advertised contracts which are expected to exceed \$100,000 when entered into, and (2) in firm fixed-price or fixed-price with escalation negotiated contracts which when entered into exceed \$100,000 and the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. However, the clause need not be included where, in accordance with § 1-3.807-3(b), the requirement for obtaining cost or pricing data has been waived by the head of the agency. In addition, the clause, with appropriate reduction in the dollar amounts provided therein, shall be included in contracts of this type which do not exceed \$100,000 where a certificate of cost or pricing data is required in accordance with § 1-3.807-3(c) in connection with the pricing of contract modifications. In negotiated contracts, delete from paragraph (b) of the clause the words "the Comptroller General of the United States."

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract which involves a price adjustment in excess of \$100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) For purposes of verifying that certified cost or pricing data submitted in conjunction with such a contract change or other modification was accurate, complete, and current, the Contracting Officer, the Comptroller General of the United States, or any authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.

(c) The Contractor agrees to insert this clause, including this paragraph (c), in all subcontracts hereunder which when entered into exceed \$100,000. When so inserted,

changes shall be made to designate the higher-tier subcontractor at the level involved as the contracting and certifying party; to add "of the Government prime contract" after "Contracting Officer"; and to add, at the end of (a) above, the words, "provided that the change or other modification to the subcontract results from a change or other modification to the Government prime contract."

(c) The following clause shall be included in any negotiated contract in excess of \$100,000 which is not firm fixed-price or fixed-price with escalation, except where, in accordance with § 1-3.807-3(b), the submission of cost or pricing data is not required with respect to (1) cost-reimbursement type contracts for construction or cost-reimbursement type contracts for basic research with educational institutions, or (2) the requirement for obtaining cost or pricing data has been waived by the head of the agency in accordance with § 1-3.807-3(b). The dollar amounts in the clause shall be appropriately reduced in the case of such contracts which do not exceed \$100,000.

AUDIT AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative. In addition, for purposes of verifying that cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of \$100,000, was accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of the 3 years from the date of final payment under this contract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) If the contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, or (B) litigation or the settlement of claims arising out of the performance of this contract, shall be retained until such appeals, litigation, or claims have been disposed of.

(d) (1) The Contractor shall insert the substance of this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the Contractor; to add "of the Government prime contract" after "Contracting Officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) above.

(2) The Contractor shall insert the substance of the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds \$100,000, except those subcontracts covered by subparagraph (3) below:

AUDIT

(a) For purposes of verifying that certified cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of \$100,000 was accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of three years from the date of final payment under this contract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The subcontractor agrees to insert this clause, including this paragraph (b), in all subcontracts hereunder which when entered into exceed \$100,000 unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(3) The Contractor shall insert the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds \$100,000 where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract, which involves a price adjustment in excess of

\$100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract must result from a change or other modification (1) to the Government prime contract, or (2) authorized under the provisions of the Government prime contract.

(b) For purposes of verifying that any certified cost or pricing data submitted in conjunction with a contract change or other modification was accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert the substance of this clause including this paragraph (c) in all subcontracts hereunder which when entered into exceed \$100,000.

(d) The requirement for inclusion of the clauses in paragraphs (a) and (b) of this § 1-3.814-2 may be waived for contracts with foreign governments or agencies thereof under circumstances where the requirement for the clauses in §§ 1-3.814-1 and 1-3.814-3 may be waived.

(e) The clause in § 1-7.101-10 shall be inserted in all negotiated fixed-price contracts in excess of \$2,500, including contracts awarded under a total set-aside (small business restricted advertising, as defined in § 1-1.701-9) or a partial set-aside (see §§ 1-1.706 and 1-1.804), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of \$2,500. In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost-type contract shall be expressly reserved in any such contract.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective April 15, 1969, but may be observed earlier.

Dated: February 20, 1969.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 69-2346; Filed, Feb. 26, 1969; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

Proposed Revision of Maryland Standard Grades

Notice is hereby given that the U.S. Department of Agriculture has under consideration a proposed revision of the Official Standard Grades for Maryland Broadleaf Tobacco, U.S. Type 32, pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of consideration leading to the proposed revision. Grade standards for tobacco are issued under the authority of The Tobacco Inspection Act of 1935 which provides for the issuance of official U.S. grades to designate different levels of quality for the use of producers and buyers. Official grading service is also provided under the Act on both a mandatory and permissive basis. This service is rendered free of charge when performed on designated auction markets. When inspection is made at the request of an owner or other person financially interested, a fee is charged to cover the cost of the service.

Most Maryland tobacco is sold on designated auction markets. Unlike some types of domestic tobacco, Maryland Broadleaf has undergone little change in recent years. The current standards have been in effect since April 1959.

The proposed revision of the Maryland standards provides a simplified system of grades designed to achieve conformity of interpretation and understanding throughout the industry and to facilitate grade application. This system restructures the present 96 grades into 64 grades and broadens the quality range for most grades of the Seconds, Bright-crop or Thin-crop, and Dull-crop or Heavy-crop groups.

Primarily the proposed concept would (1) reduce the mature to mellow grades from five to three qualities and the unripe and immature grades, where applicable, from three to two qualities; and (2) eliminate the eight grades of Primings or Ground Leaves and combine tobacco of this group with corresponding qualities of the Seconds Group. In addition, a few changes would be made in some definitions and rules to provide clarity of presentation or to correspond with the revised grade structure.

The proposed revision of the Maryland standards has been reviewed and discussed during several meetings with supervisory inspection personnel. A subsequent meeting was held with producer, State, extension service, and inspection

service representatives. Open discussions at the meetings and written submissions following these sessions were encouraged. All groups represented at these meetings expressed verbal approval of the proposed standards and recommended their acceptance.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b) as amended at 29 F.R. 7311).

The proposed revision is as follows:

1. Subpart C of Part 29 is revised by deleting the heading "Official Standard Grades for Maryland Broadleaf Tobacco (U.S. Type 32)" and §§ 29.3251 to 29.3407 and substituting therefor, immediately after § 29.3182, the following:

OFFICIAL STANDARD GRADES FOR MARYLAND BROADLEAF TOBACCO (U.S. TYPE 32)

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29.3252	Air-dried.
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29.3254	Class.
29.3255	Clean.
29.3256	Color.
29.3257	Color symbols.
29.3258	Condition.
29.3259	Cured.
29.3260	Damage.
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29.3262	Elements of quality.
29.3263	Finish.
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29.3276	Maryland Broadleaf, Type 32.
29.3277	Maturity.
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Sec.	
29.3294	Stemmed.
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29.3333	Rule 2.
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29.3351	Rule 20.
29.3352	Rule 21.
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ELEMENTS OF QUALITY

29.3371	Elements of quality and degrees of each element.
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GRADES

29.3385	Seconds (X Group).
29.3386	Bright-crop or Thin-crop (C Group).
29.3387	Dull-crop or Heavy-crop (B Group).
29.3388	Tips (T Group).
29.3389	Nondescript (N Group).
29.3390	Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3395	Summary of standard grades.
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KEY TO STANDARD GRADEMARKS

29.3401	Key to standard grademarks.
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DEFINITIONS

§ 29.3251	Definitions.
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As used in these standards, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3252	Air-cured.
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Tobacco cured under natural atmospheric conditions. Artificial heat is sometimes used to control excess humidity during the curing period to prevent house-burn and barn-burn in damp weather. Air-cured tobacco should not carry the odor of smoke or fumes resulting from the application of artificial heat.

§ 29.3253 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3254 Body.

The thickness and density of a leaf or the weight per unit of surface. (See chart, § 29.3371.)

§ 29.3255 Class.

A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, or by the method of cultivation, harvesting, or curing.

§ 29.3256 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more sand or dirt than those from higher stalk positions. (See Rule 4, § 29.3335.)

§ 29.3257 Color.

The third factor of the grade based on relative hues, saturations or chromas, and color values common to the type. Basic colors of Maryland Broadleaf tobacco are red, yellow, and green. The saturation of each color determines its degree of difference in vividness of hue and is expressed as follows:

(a) *Tan*. A light reddish yellow in hue, of high saturation and medium brilliance.

(b) *Cherry red*. A yellowish red in hue; a light to medium brown color of very high saturation and medium brilliance.

(c) *Red*. A reddish red yellow in hue; a medium to dark reddish-brown color of medium saturation and low brilliance.

(d) *Brown*. A reddish red yellow in hue; a very dark shade of brown color of low saturation and low brilliance.

(e) *Greenish*. A greenish reddish yellow or a greenish yellowish red in hue. (See definition, § 29.3270, and Rule 17, § 29.3348.)

(f) *Green*. Of the color green, the hue of which is somewhat less than that of fresh-growing grass. (See definition, § 29.3269, and Rule 18, § 29.3349.)

(g) *Variegated*. Diversified in external appearance with different colors, or an off color. (See definition, § 29.3307, and Rule 16, § 29.3347.)

§ 29.3258 Color symbols.

As applied to Maryland Broadleaf tobacco color symbols are: L—Tan, F—Cherry red, R—Red, D—Brown, V—Greenish, G—Green, K—Variegated.

§ 29.3259 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged. Maryland Broadleaf is air-dried or steam-dried for storage and aging.

§ 29.3260 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3261 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See Rule 21, § 29.3352.)

§ 29.3262 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See Rule 22, § 29.3353.)

§ 29.3263 Elements of quality.

Elements of quality and the degrees used in the specifications of the Official Standard grades for Maryland Broadleaf, Type 32, are shown in § 29.3371. Words have been selected to describe the degrees of each element.

§ 29.3264 Finish.

The reflectance factor in color perception. As applied to tobacco colors, it is used to describe the clearness or brightness of a color or hue.

§ 29.3265 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, rubber bands, et cetera. Abnormal amounts of dirt or sand also are included. (See Rule 22, § 29.3353.)

§ 29.3266 Form.

The stage of preparation of tobacco such as stemmed or unstemmed.

§ 29.3267 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3268 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a number to indicate quality, and a letter to indicate color. For example, C2L means Bright-crop, second quality, and tan color.

§ 29.3269 Green (G).

A color term applied to crude or immature tobacco. Any leaf which is crude to the extent of 20 percent or more or has a green color affecting 20 percent or more of its surface may be described as green. (See Rule 18, § 29.3349.)

§ 29.3270 Greenish or unripe (V).

A color term applied to relatively thin unripe tobacco. Any leaf which has a greenish tinge or a pale green color affecting 20 percent or more of its surface may be described as greenish. (See Rule 17, § 29.3348.)

§ 29.3271 Group.

A division of a type covering several closely related grades based on certain characteristics which are related to stalk position or the general quality of the tobacco. Groups in Maryland Broadleaf, Type 32, are: Seconds (X), Bright-crop or Thin-crop (C), Dull-crop or Heavy-crop (B), Tips (T), Nondescript (N), and Scrap (S).

§ 29.3272 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage, § 29.3261; chart, § 29.3371; and Rule 15, § 29.3346.)

§ 29.3273 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.3274 Leaf structure.

The cell development of a leaf as indicated by its porosity or solidity. (See chart, § 29.3371.)

§ 29.3275 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See chart, § 29.3371.)

§ 29.3276 Lot.

A pile, basket, bulk, hack, burden, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.3277 Maryland Broadleaf, Type 32.

That type of air-cured tobacco also known as Southern Maryland or Maryland Air-cured tobacco produced principally in southern Maryland.

§ 29.3278 Maturity.

The degree of ripeness. (See chart, § 29.3371.) The degrees of maturity are:

(a) *Mellow*. The highest degree of maturity in Type 32 tobacco. Tobacco of a soft, dry nature which is fluffy, fairly tender, and having a very open leaf structure resulting from extreme ripeness. It may contain a material amount of injury associated with overripeness.

(b) *Ripe*. The degree of maturity under mellow. Any leaf which has reached completeness or is thoroughly ripe, somewhat firmer in leaf structure than mellow tobacco but having an open to firm leaf structure, and may show injury characteristic of ripeness.

(c) *Mature*. The intermediate degree of maturity. Any leaf which has attained full development or completeness of growth. Tobacco which is just mature but lacking in quality characteristics associated with ripe tobacco. It may have a slight greenish color and firm to close leaf structure.

(d) *Unripe*. The degree of maturity used to describe any tobacco which has not reached full development or completeness of growth, or any unripe leaf which has a pale green color affecting 20 percent or more of its leaf surface may be described as greenish or unripe. Unripe tobacco is normally characterized by its slick surface and close or tight leaf structure.

(e) *Immature*. The lowest degree of maturity which is used to describe any tobacco that is green or undeveloped. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green or immature.

(1) *Crude*. A subdegree of maturity. Crude leaves are usually hard and compact and may be grayish or off colored as a result of extreme immaturity. A similar condition may result from sunburn or sunscald. Crude tobacco may or may not be green in color. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude.

§ 29.3279 *Nested*.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See Rule 22, § 29.3353.)

§ 29.3280 *No-G*.

A designation applied to a lot of tobacco classified as rework, nested, off-type, semicured; tobacco that is damaged 20 percent or more, abnormally dirty, or extremely wet or watered; or tobacco that contains foreign matter or has an odor foreign to the type. (See Rule 22, § 29.3353.)

§ 29.3281 *Offtype*.

Tobacco of distinctly different characteristics which cannot be classified as Maryland Broadleaf, Type 32, Upper Country tobacco, Type 32b, is not considered offtype. (See definitions of No-G, § 29.3280; Upper Country, § 29.3306; and Rule 22, § 29.3353.)

§ 29.3282 *Order (case)*.

The state of tobacco with respect to its moisture content.

§ 29.3283 *Package*.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.3284 *Packing*.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspection. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.3285 *Quality*.

A division of a group or the second factor of a grade, based upon the rela-

tive degree of one or more elements of quality in tobacco.

§ 29.3286 *Raw*.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.3287 *Rework*.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See definition of No-G, § 29.3280; and Rule 22, § 29.3353.)

§ 29.3288 *Semicured*.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See Rule 22, § 29.3353.)

§ 29.3289 *Side*.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.3290 *Sound*.

Free of damage.

§ 29.3291 *Special factor*.

A symbol or term authorized to be used with specified grades. Tobacco to which a special factor is applied may meet the general specifications but has a peculiar side or characteristic which tends to modify the grade. (See Rules 10, § 29.3341; 20, § 29.3351; 21, § 29.3352.)

§ 29.3292 *Steam-dried*.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.3293 *Stem*.

The midrib or large central vein of a tobacco leaf.

§ 29.3294 *Stemmed*.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.3295 *Strips*.

The sides of a tobacco leaf from which the stem has been removed, or a lot of tobacco composed of strips.

§ 29.3296 *Sweated*.

The condition of tobacco which has passed through one or more fermenta-

tions natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.3297 *Sweating*.

The condition of tobacco in the process of fermentation.

§ 29.3298 *Tobacco*.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, siftings, or dust.

§ 29.3299 *Tobacco products*.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.3300 *Type*.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.3301 *Type 32*.

That type of air-cured tobacco commonly known as Southern Maryland tobacco, or Maryland Air-cured and produced principally in southern Maryland.

§ 29.3302 *Undried*.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.3303 *Uniformity*.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed as percentages in the grade specifications. (See chart, § 29.33-71; and Rule 14, § 29.3345.)

§ 29.3304 *Unsound (U)*.

Damaged under 20 percent. (See Rule 21, § 29.3352.)

§ 29.3305 *Unstemmed*.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.3306 *Upper Country*.

Burley strains and tobacco known as "Upper Country," which do not have the characteristics of varieties commonly grown in southern Maryland, are classified as Type 32b.

§ 29.3307 *Variegated (K)*.

Any leaf of which 20 percent or more of its surface is pale grayish yellow, gray, mottled, bleached, or stained and does not blend with the normal colors of the type or group and is characterized by a

lower degree of leaf structure and maturity than tobacco of corresponding group and quality in the normal colors. (See Rule 16, § 29.3347.)

§ 29.3308 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See Rule 20, § 29.3351.)

§ 29.3309 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See chart, § 29.3371.)

RULES

§ 29.3331 Rules.

The application of these official standard grades shall be in accordance with the following rules.

§ 29.3332 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3333 Rule 2.

The determination of grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3334 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. One break shall be made not more than 12 inches from the top of the package and one not more than 12 inches from the bottom. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.3335 Rule 4.

All standard grades must be clean.

§ 29.3336 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned, it shall not thereafter be represented as such grade.

§ 29.3337 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with

respect to body or other associated elements of quality.

§ 29.3338 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3339 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3340 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over 1 percent of the tobacco shall be overlooked.

§ 29.3341 Rule 10.

Any special factor symbol approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3342 Rule 11.

Interpretations, the use of specifications, and the meaning of terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.3343 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3344 Rule 13.

Any lot of Dull-crop or Heavy-crop tobacco or any lot of tobacco having the general characteristics of Dull-crop or Heavy-crop in which 25 percent or more of its leaves are under 16 inches in length shall be designated as Tip group (T).

§ 29.3345 Rule 14.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. (These percentages shall not affect limitations established by other rules.) The minor portion must be of a closely related group, quality, and color.

§ 29.3346 Rule 15.

The application of injury tolerance as an element of quality shall be expressed in terms of percentages. The appraisal of injury shall be based upon the percentage of affected leaf surface or the percent a lot contains. In appraising injury only detrimental injury such as portions decomposed by field diseases, field-firing, pole-burning, barn-burning, or wasted portions shall be considered. Physical characteristics associated with normal ripeness shall not be construed as detri-

mental injury and shall be overlooked in quality determination.

§ 29.3347 Rule 16.

Variegated tobacco may be included in any group as follows: In the second quality, 10 percent; and in the third quality up to 20 percent. Any lot of tobacco containing 20 percent or more of variegated leaves that are lower in maturity and tighter in leaf structure than tobaccos of normal colors for the group shall be described as "variegated" and designated by the color symbol "K."

§ 29.3348 Rule 17.

Any lot of unripe tobacco, any lot of tobacco containing 20 percent or more of greenish leaves, or any lot which contains 20 percent of greenish and green leaves combined shall be designated by the color symbol "V."

§ 29.3349 Rule 18.

Any lot of tobacco containing 20 percent or more of immature or green leaves, or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.3350 Rule 19.

Crude leaves shall not be included in any grade of any color except green. Any lot containing 20 percent or more of crude leaves shall be designated Nondescript.

§ 29.3351 Rule 20.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.3352 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a special factor grade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.3353 Rule 22.

Tobacco shall be identified by the grademark "No-G" when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or needs to be reworked, contains foreign matter, or has an odor foreign to the type.

ELEMENTS OF QUALITY

§ 29.3371 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value.

Elements	Degrees
Body.....	Tissuey.....Thin.....Medium.....Fleshy.....Heavy.
Maturity.....	Mellow.....Ripe.....Mature.....Unripe.....Immature.
Leaf structure.....	Porous.....Open.....Firm.....Close.....Tight.
Width.....	Spready.....Normal.....Narrow.....
Length.....	Expressed in inches when applicable.
Uniformity.....	Expressed in percentages.
Injury tolerance.....	Expressed in percentages.

GRADES

§ 29.3385 Seconds (X Group).

This group consists of relatively thin leaves which show material injury characteristic of leaves grown near the ground or below the midpoint of the stalk. Cured Seconds normally have a flat, open face and are wider in relation to their length than leaves from a higher stalk position.

U.S. grades	Grade names and specifications
X1L	Choice Quality Tan Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2L	Good Quality Tan Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3L	Low Quality Tan Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X1F	Choice Quality Cherry-red Seconds Tissuey, mellow, porous, 90 percent uniformity, and 10 percent injury tolerance.
X2F	Good Quality Cherry-red Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3F	Low Quality Cherry-red Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2R	Good Quality Red Seconds Thin, ripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3R	Low Quality Red Seconds Thin, mature, open, 60 percent uniformity, and 40 percent injury tolerance.
X2V	Good Quality Greenish Seconds Thin, unripe, open, 75 percent uniformity, and 25 percent injury tolerance.
X3V	Low Quality Greenish Seconds Thin, unripe, open, 60 percent uniformity, and 40 percent injury tolerance.
X2K	Good Quality Variegated Seconds Medium body, unripe, firm, 75 percent uniformity, and 25 percent injury tolerance.
X3K	Low Quality Variegated Seconds Medium body, unripe, close, 60 percent uniformity, and 40 percent injury tolerance.
X2G	Good Quality Green Seconds Medium body, immature, firm, 75 percent uniformity, and 25 percent injury tolerance.
X3G	Low Quality Green Seconds Medium body, immature, close, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3386 Bright-crop or Thin-crop (C Group).

This group consists of leaves usually grown at the midpoint of the stalk. Cured leaves from this stalk position roll or curl and tend to conceal the stem or midrib.

These leaves are of relatively thin body compared with the average body of the type. They are spready in relation to their length and have an oblate tip. Little ground injury is found in leaves of this group. Bright-crop or Thin-crop may also be described as first-bright, first-crop, or crop.

U.S. grades	Grade names and specifications
C1L	Choice Quality Tan Bright-crop Thin, ripe, open, spready, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
C2L	Good Quality Tan Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3L	Low Quality Tan Bright-crop Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C1F	Choice Quality Cherry-red Bright-crop Thin, ripe, open, spready, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
C2F	Good Quality Cherry-red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3F	Low Quality Cherry-red Bright-crop Thin, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2R	Good Quality Red Bright-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3R	Low Quality Red Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2D	Good Quality Brown-crop Thin, ripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3D	Low Quality Brown Bright-crop Medium body, mature, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2V	Good Quality Greenish Bright-crop Thin, unripe, open, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3V	Low Quality Greenish Bright-crop Medium body, unripe, firm, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2K	Good Quality Variegated Bright-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
C3K	Low Quality Variegated Bright-crop Medium body, unripe, close, narrow, 60 percent uniformity, and 40 percent injury tolerance.
C2G	Good Quality Green Bright-crop Medium body, immature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.

U.S. grades Grade names and specifications

C3G Low Quality Green Bright-crop
Medium body, immature, close, narrow, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3387 Dull-crop or Heavy-crop (B Group).

This group consists of leaves usually grown above the midpoint of the stalk. Cured leaves from the upper stalk tend to fold face in and expose the stem or midrib. Upper stalk tobacco is of relatively heavy body compared with the average body of the type. Upper stalk leaves are narrow in relation to their length and have a pointed tip. Dull-crop or Heavy-crop may also be described as second-bright, dull, or semi-crop.

U.S. grades	Grade names and specifications
B1F	Choice Quality Cherry-red Dull-crop Medium body, ripe, open, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2F	Good Quality Cherry-red Dull-crop Fleshy, mature, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3F	Low Quality Cherry-red Dull-crop Fleshy, mature, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B1R	Choice Quality Red Dull-crop Fleshy, ripe, firm, normal width, over 18 inches in length, 90 percent uniformity, and 10 percent injury tolerance.
B2R	Good Quality Red Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3R	Low Quality Red Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2D	Good Quality Brown Dull-crop Heavy, mature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3D	Low Quality Brown Dull-crop Heavy, mature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2V	Good Quality Greenish Dull-crop Medium body, unripe, firm, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3V	Low Quality Greenish Dull-crop Fleshy, unripe, close, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.
B2K	Good Quality Variegated Dull-crop Fleshy, unripe, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3K	Low Quality Variegated Dull-crop Heavy, unripe, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.

U.S. grades	Grade names and specifications
B2G	Good Quality Green Dull-crop Fleshy, immature, close, normal width, over 16 inches in length, 75 percent uniformity, and 25 percent injury tolerance.
B3G	Low Quality Green Dull-crop Heavy, immature, tight, narrow, over 16 inches in length, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3388 Tips (T Group).

This group consists of leaves usually grown at the top of the stalk. These relatively narrow and sharp-pointed leaves have the general characteristics of Dull-crop or upper stalk tobacco. A slightly lower degree of maturity and leaf structure is usually associated with the normal state of underdevelopment in Tips. Slightly heavier body results from a combination of substance and lower porosity.

U.S. grades	Grade names and specifications
T1F	Choice Quality Cherry-red Tips Medium body, ripe, open, normal width, 25 percent or more 16 inches or under in length, 90 percent uniformity, and 10 percent injury tolerance.
T2F	Choice Quality Cherry-red Tips Fleshy, mature, firm, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3F	Low Quality Cherry-red Tips Fleshy, mature, firm, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T1R	Choice Quality Red Tips Fleshy, ripe, firm, normal width, 25 percent or more 16 inches or under in length, 90 percent uniformity, and 10 percent injury tolerance.
T2R	Good Quality Red Tips Heavy, mature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3R	Low Quality Red Tips Heavy, mature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2D	Good Quality Brown Tips Heavy, mature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3D	Low Quality Brown Tips Heavy, mature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2V	Good Quality Greenish Tips Fleshy, unripe, firm, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3V	Low Quality Greenish Tips Fleshy, unripe, close, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.
T2K	Good Quality Variegated Tips Fleshy, unripe, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3K	Low Quality Variegated Tips Heavy, unripe, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.

U.S. grades	Grade names and specifications
T2G	Good Quality Green Tips Fleshy, immature, close, normal width, 25 percent or more 16 inches or under in length, 75 percent uniformity, and 25 percent injury tolerance.
T3G	Low Quality Green Tips Heavy, immature, tight, narrow, 25 percent or more 16 inches or under in length, 60 percent uniformity, and 40 percent injury tolerance.

§ 29.3389 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except Scrap.

U.S. grades	Grade names and specifications
N1L	Best Thin-bodied Nondescript From the X and C groups; 60 percent injury tolerance.
N1F	Best Medium-bodied Nondescript From the C, B, and T groups; 60 percent injury tolerance.
N1R	Best Heavy-bodied Nondescript From the B and T groups; 60 percent injury tolerance.
N1G	Best Crude or Crude Green Nondescript Tolerance, 60 percent crude leaves or injury.
N2	Substandard Nondescript Nondescript of any group, quality, or color; tolerance, over 60 percent crude leaves or injury.

§ 29.3390 Scrap (S Group).

A byproduct of unstemmed and stemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade name and specifications
S	Scrap Loose, tangled, whole, or broken unstemmed leaves, or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.3395 Summary of standard grades.

MATURE TO MELLOW GRADES			
Seconds			
X1L	X3L	X2F	X2R
X2L	X1F	X3F	X3R
Bright-crop or Thin-crop			
C1L	C1F	C2R	C3D
C2L	C2F	C3R	
C3L	C3F	C2D	
Dull-crop or Heavy-crop			
B1F	B3F	B2R	B2D
B2F	B1R	B3R	B3D
Tips			
T1F	T3F	T2R	T2D
T2F	T1R	T3R	T3D
UNRIPE GRADES			
Seconds			
X2V	X3V	X2K	X3K
Bright-crop or Thin-crop			
C2V	C3V	C2K	C3K
Dull-crop or Heavy-crop			
B2V	B3V	B2K	B3K
Tips			
T2V	T3V	T2K	T3K

IMMATURE GRADES

Seconds			
X2G	X3G		
Bright-crop or Thin-crop			
C2G	C3G		
Dull-crop or Heavy-crop			
B2G	B3G		
Tips			
T2G	T3G		
Nondescript			
N1L	N1F	N1R	N1G
N2			
Scrap			
S			

Special factors "U" and "W" may be applied to all grades.
Tobacco not covered by the standard grades is designated No-G.

KEY TO STANDARD GRADEMARKS

§ 29.3401 Key to standard grademarks.

Groups	
X—Seconds.	
C—Bright-crop or Thin-crop.	
B—Dull-crop or Heavy-crop.	
T—Tips.	
N—Nondescript.	
S—Scrap.	

Qualities

1—Choice.
2—Good.
3—Low.

Colors

L—Tan.
F—Cherry red.
R—Red.
D—Brown.
V—Greenish.
K—Variegated.
G—Green.

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 20th day of February 1969.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 69-2403; Filed, Feb. 26, 1969; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

2,6-Bis(1-Methylheptadecyl)-p-Cresol; Additional Uses in Food-Contact Articles

The Commissioner of Food and Drugs has received a petition (FAP 8B2221) from Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing an amendment to § 121.2566 of the food additive regulations to provide for additional use of 2,6-bis(1-methylheptadecyl)-p-cresol as an antioxidant and/or stabilizer in olefin polymers that contact foods generally rather than just nonfatty foods as presently permitted under the provisions of that section.

On the basis of the information submitted in the petition, and other relevant

material, the Commissioner proposes that § 121.2566 be amended as set forth below to provide for such additional use of the additive subject to the indicated limitations that are deemed necessary to assure that the proposed broadened use of the additive will be safe.

On the initiative of the Commissioner, the proposal includes a thickness limitation further restricting the presently permitted use of the additive in olefin polymers in contact with food containing more than 8 percent of alcohol based upon new information indicating that migration of the additive to such foods could be significantly higher than originally contemplated.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 121.2566(b) be amended by revising the limitations for the subject item to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:

	Limitations
2,6-Bis(1-methylheptadecyl)-p-cresol.	For use only at levels not exceeding 0.3 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, and 4: <i>Provided</i> , That use of such polymers in contact with fatty food or food containing more than 8 percent of alcohol shall be limited to films and coatings having an average film or coating thickness not exceeding 0.004 inch.

Any interested person may, within 30 days from the date of publication of this notice 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 17, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-2352; Filed, Feb. 26, 1969;
8:46 a.m.]

[21 CFR Part 130]

NEW DRUGS

Abbreviated Applications

The Commissioner of Food and Drugs finds there are circumstances in which

the submission of an abbreviated new-drug application containing designated items of information will be sufficient for approval of a required application. For example, new-drug applications may be required for certain drugs on the basis of evaluations of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, and abbreviated applications may be sufficient for certain of these drugs.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-53, as amended, 1055; 21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 130.4 *Applications* be amended:

1. By changing the period at the end of the first sentence of paragraph (a) to a semicolon and adding "if the drug is intended for human use and is one for which an abbreviated new application has been found by the Food and Drug Administration to be sufficient, the application may be limited to the information described in paragraph (f) of this section unless otherwise specified in such finding."

2. By adding a new paragraph (f) as follows:

(f) *Abbreviated new-drug applications.* Such applications shall contain:

(1) Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (R, or OTC statement), 6 (components), and 7 (composition) of the new-drug application form FD-356H, and in lieu of full information described under item 8 (methods, facilities, and controls), brief statements that:

(i) Identify the place where the drug will be manufactured, processed, packaged, and labeled.

(ii) Identify any person other than the applicant who performs a part of those operations and designate the part.

(iii) Include certifications from the applicant and from any person identified in subdivision (ii) of this subparagraph that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice in accord with Part 133 of this chapter.

(iv) Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or, if not listed or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

(v) Outline the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.

(2) Labeling that is in accord with the labeling conditions described in the finding that an abbreviated new-drug application is sufficient.

(3) If the drug finding so specifies for the formulation intended for marketing, data adequate to assure the biological availability of the drug.

(4) Additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

Pending promulgation of a final order relating to abbreviated new-drug applications, the information outlined in the foregoing proposal will be acceptable in lieu of a complete new-drug application for any drug that is the subject of an announcement or regulation published in the FEDERAL REGISTER that finds an abbreviated new-drug application is sufficient.

Any interested person may, within 30 days from the date of publication of this notice 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: February 19, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 69-2353; Filed, Feb. 26, 1969;
8:46 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1910]

CRITERIA FOR LAND MANAGEMENT AND USE

Notice of Proposed Rule Making

Pursuant to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968, 42 U.S.C. 4001-4127), effective January 28, 1969 (33 F.R. 17804, Nov. 28, 1968), the Secretary of Housing and Urban Development is considering the adoption of a new Part 1910 of Subtitle B of Title 24. This new part would set forth the criteria for land management and use required in connection with the National Flood Insurance Program. Under this program, which is designed to make flood insurance available through a cooperative effort between the Federal Government and the private property insurance industry, coverage will be available initially for one- to four-family residential properties and, at a later date, for small business properties. As more experience is gained in the operation of the program, flood insurance coverage may be extended to include other types and classes of properties.

In connection with the implementation of this program, the Secretary is required from time to time to develop criteria designed to encourage the adoption, where necessary, of permanent State and local measures for land management and use in flood-prone areas. Flood insurance under this program may be made available only in States or areas (or other subdivisions) which have evidenced

a positive interest in securing flood insurance under this program and which have given assurances that by June 30, 1970, appropriate land use and control measures consistent with these criteria shall have been adopted. The Act further provides that after June 30, 1970, no new flood insurance coverage may be provided in any area which has not adopted such measures.

For the purpose of establishing estimated risk premium rates in accordance with the provisions of the Act, the Secretary expects to assign a priority to those States or areas (or subdivisions) which have evidenced a positive interest in securing flood insurance coverage.

Interested persons are invited to participate in the formulation of the criteria by submitting written comments which may include data, views, or arguments. Comments should identify the subject matter involved and should be submitted in duplicate to the Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All comments received within 30 days from date of publication of this notice will be considered by the Secretary before taking action upon the proposed criteria. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

The proposed criteria are as follows:

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1910—CRITERIA FOR LAND MANAGEMENT AND USE

Subpart A—General

- Sec.
1910.1 Purpose.
1910.2 Priority for rate determinations.
1910.3 Conditions for insurance availability.

Subpart B—Criteria

- 1910.51 Purpose of criteria.
1910.52 Flood plain management.
1910.53 Subdivision planning requirements.
1910.54 Building and health code requirements.
1910.55 Development goals.
1910.56 Planning considerations.
1910.57 Program coordination.
1910.58 Revisions.

Subpart A—General

§ 1910.1 Purpose.

This part prescribes the criteria for permanent State and local land use and control measures required in connection with the National Flood Insurance Program (hereinafter referred to as the "program") under the National Flood Insurance Act of 1968, 42 U.S.C. 4001-4127, and sets forth the requirements for eligibility for flood insurance coverage and the grounds for priority in the conducting of rate making studies and investigations.

§ 1910.2 Priority for rate determinations.

(a) Priority in conducting studies and investigations and making estimates of risk premium rates for flood insurance will be given to those States or areas (or subdivisions thereof) which the Secretary determines to have evidenced a positive interest in securing flood insurance coverage under this program.

(b) Such evidence of positive interest at a minimum shall include, but shall not be limited to, official legislative or executive actions by duly constituted State or local public bodies, agencies, or officials, specifically applicable to the area for which such coverage is sought, indicating (1) that there is a recognized public need for flood insurance; (2) the extent, if any, to which public and private flood plain management activities have been instituted; and (3) a willingness to take such other official actions as may be necessary to carry out the objectives of the program.

(c) Evidence of positive interest in obtaining flood insurance coverage for a State or area (or subdivision thereof) may be transmitted to the Federal Insurance Administrator, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

§ 1910.3 Conditions for insurance availability.

(a) Pursuant to the provisions of the program, flood insurance shall be available only in States or areas (or subdivisions thereof) which the Secretary determines (1) have evidenced a positive interest in securing flood insurance coverage under the flood insurance program and (2) have given satisfactory assurance that by June 30, 1970, permanent land use and control measures will have been adopted for the State or area (or subdivision thereof) which are consistent with such criteria for land management and use as may be developed by the Secretary from time to time and published in this part, and that the application and enforcement of such measures will commence as soon as technical information on floodways and on controlling flood elevations is available.

(b) After June 30, 1970, no new flood insurance coverage shall be provided under the program in any State or area (or subdivision thereof) unless an appropriate public body shall have adopted permanent land use and control measures with effective enforcement provisions, which the Secretary finds to be consistent with such criteria for land management and use.

(c) In the event insurance under the program is made available in a State or area (or subdivision thereof), a duly authorized official thereof shall report annually to the Secretary as to what progress has been made in the development and implementation of its flood plain land use and control measures. Copies of the annual report shall also be submitted to other appropriate State and regional bodies, and the Secretary shall

be informed of the agencies to which the annual reports have been sent.

Subpart B—Criteria

§ 1910.51 Purpose of criteria.

It is the purpose of this subpart to encourage, where necessary, the adoption of permanent State and local measures which, to the maximum extent feasible, will:

- (a) Constrict the development of land which is exposed to flood damage where appropriate;
- (b) Guide the development of proposed construction away from locations which are threatened by flood hazards;
- (c) Assist in reducing damage caused by floods; and
- (d) Otherwise improve the long-range land management and use of flood-prone areas.

The criteria for such measures are set forth in §§ 1910.52-1910.57.

§ 1910.52 Flood plain management.

All appropriate statutes, ordinances, regulations, and similar measures, whether applicable on a Statewide, regional, or local basis, should provide land use restrictions based on probable exposures to flooding. Where appropriate, there should be included in such measures a clear and comprehensive statement indicating that the intent of the measure is to encourage only that development of flood-prone areas which is appropriate in light of the probability of flooding and which represents an economic use of the land, and to discourage all other development. The public body adopting the measure should undertake public information and education programs designed to promote public acceptance and use of sound flood plain management practices.

§ 1910.53 Subdivision planning requirements.

In addition to such land use restrictions as may be appropriate in view of the variation in exposure to flood damage throughout the area, there should also be such subdivision regulations as may be necessary (a) to prevent the inappropriate use of flood-prone lands; (b) to encourage the appropriate location and elevation of public utilities and facilities, such as streets, sewers, gas, electricity, and water systems; and (c) to provide for adequate drainage so as to minimize exposure to flood hazards.

§ 1910.54 Building and health code requirements.

Applicable State and local building codes and health regulations should require that proposed development in flood-prone areas (a) will not create unhealthy areas of pondage in flooding situations; (b) will assure structural safety so as to prevent flotation and collapse; (c) will assure the adequacy of sewerage and water systems such that they will not be adversely affected by flooding; and (d) will encourage the flood proofing, to the maximum extent practicable, of all proposed improvements.

§ 1910.55 Development goals.

State and local flood plain land use and control measures should contribute to overall community and area-wide social and economic development goals by (a) diverting unwarranted and inappropriate development away from flood-prone areas; (b) encouraging flood control and flood damage abatement efforts through public and private means; (c) deterring the inappropriate development of public utilities and public facilities in flood-prone areas; and (d) regulating the use of the floodway so as to prevent significant restriction of its carrying capacity.

§ 1910.56 Planning considerations.

The planning and decision-making process for formulating overall community and area-wide social and economic

development goals and for adopting related flood plain land use and control measures should include consideration, among others, of the following factors: (a) The availability of lands outside flood-prone areas for needed development; (b) the location of special flood hazard areas and the opportunities for their use for private and public open-space purposes; (c) the possible adverse influence of development on others in the flood-prone areas; and (d) the opportunities for flood proofing in relation to the flood hazard.

§ 1910.57 Program coordination.

Locally applicable flood forecasting, flood emergency preparedness, and flood control and flood damage abatement programs should be coordinated with

relevant regional, State, and Federal programs.

§ 1910.58 Revisions.

From time to time these criteria for land management and use measures may be revised by the Secretary. Such revisions will be based on such further studies and investigations as may be conducted in connection with the program.

(National Flood Insurance Act of 1968, 82 Stat. 572-589, 42 U.S.C. 4001-4127)

Issued in Washington, D.C., on February 24, 1969.

GEORGE ROMNEY,
*Secretary of Housing and
Urban Development.*

[F.R. Doc. 69-2408; Filed, Feb. 26, 1969;
8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs AREA DIRECTORS ET AL.

Delegation of Authority; Corrections

FEBRUARY 19, 1969.

The following corrections are made to Part 10 BIAM 3 and 5 of the Bureau of Indian Affairs Manual, published at 34 F.R. 637 (F.R. Doc. 69-537) in the issue for January 16, 1969. The corrections incorporate inadvertent omissions in the original manual material, thereby including (1) additional authorities to Area Directors, expressly, and to Superintendents at the Cherokee, Miccosukee, and Seminole Agencies, by reference; (2) additional authority to the Area Director, Phoenix Area; and (3) additional authority to the Special Liaison Representative of the Seneca Nation; and are effective as of the date of original publication.

1. Section 3.1 is corrected to read as follows:

3.1 *Authorities from the Commissioner.* The authorities of the Secretary of the Interior delegated to the Commissioner in Secretary's Order 2508 (10 BIAM 2), 25 CFR, and 43 CFR 2.6 are hereby redelegated to the Area Directors.

2. Section 3.3D is corrected to read as follows:

3.3 *Exceptions.* * * *

D. *Forestry.* * * *

(3) Issue advertisements and approve timber sale contracts on approved forms, involving an estimated stumpage volume in excess of 15 million feet, board measure; except in the Portland Area where the stumpage volume limit is set at 50 million feet, board measure, and in the Phoenix Area where the stumpage volume limit is set at 30 million feet, board measure, pursuant to 25 CFR 141.8, 141.9, and 141.13.

3. Section 5.4 is corrected to read as follows:

5.4 *Seneca Nation.* The Special Liaison Representative is authorized to approve leases of tribal lands to individual members of the Seneca Nation; to issue commitments of approval of mortgages and approve mortgages of leasehold interest of such members given as security for home purchase or home improvement loans with or without FHA or VA insurance when such loans are made by any of the following institutions:

- Any National or State bank;
- Any building and loan association operating under authority of the law of any State; or
- Any insurance company authorized by law to engage in making such loans in the State of New York;

and to otherwise perform in behalf of the members of the Seneca Nation those functions of the Commissioner of Indian Affairs which are specifically outlined in memorandum of understanding between the Commissioner of Indian Affairs and the Commissioner, Federal Housing Administration, dated March 30, 1962.

These corrections are being made in the Bureau of Indian Affairs Manual.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69-2356; Filed, Feb. 26, 1969;
8:47 a.m.]

AREA DIRECTORS ET AL.

Delegation of Authority; Revocation of Exceptions

FEBRUARY 19, 1969.

The following provisions of section 3 of Part 10 BIAM 3 of the Bureau of Indian Affairs Manual, published at 34 F.R. 637 (F.R. Doc. 69-537) in the issue for January 16, 1969, are revoked. These revocations remove certain limitations on the authority redelegated to Area Directors, expressly, and to Superintendents at the Cherokee, Miccosukee, and Seminole Agencies, by reference.

- Section 3.3A(2).
- Section 3.3A(5).
- Section 3.3B.

These changes are being made in the Bureau of Indian Affairs Manual.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc. 69-2357; Filed, Feb. 26, 1969;
8:47 a.m.]

Bureau of Land Management

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 19, 1969.

Notice of an application, Anchorage Serial No. 058833, for withdrawal and reservation of lands was published as F.R. Doc. 63-3707 on page 3497 of the issue for April 10, 1963, with a correction published as F.R. Doc. 63-6317 on page 6198 of the issue for June 15, 1963. The Federal Aviation Administration, Department of Transportation, has canceled its application in its entirety, involving the lands described herein. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be, at 10 a.m. on March 12, 1969, relieved of the segregative effect of the application.

The lands involved in this notice of termination are:

SEWARD MERTONIAN, ALASKA

- T. 17 N., R. 4 W. (partially surveyed),
Sec. 10, S $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ (unsurveyed);
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ (surveyed);
Sec. 14, lot 27, W $\frac{1}{2}$ NW $\frac{1}{4}$ (surveyed);
Sec. 15, NE $\frac{1}{4}$ (unsurveyed).

The area described contains approximately 424.4 acres near Wasilla, Alaska.

BURTON W. SILCOCK,
State Director.

[F.R. Doc. 69-2358; Filed, Feb. 26, 1969;
8:47 a.m.]

[C-8085]

COLORADO

Notice of Classification of Public Lands for Multiple-Use Management

FEBRUARY 19, 1969.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and the regulations in 43 CFR Parts 2410 and 2411, the public lands described below are hereby classified for multiple-use management. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating (a) all lands described in this notice from appropriation only under the agricultural land laws (43 U.S.C. Chs. 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171) and (b) further segregates the public lands described in paragraph 3 from the operation of the general mining laws (30 U.S.C., Ch. 2). Except as provided in (a) and (b) above, the lands shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws.

2. No adverse comments were received following publication of a notice of proposed classification (33 F.R. 18631), Tuesday, December 17, 1968, or at a public hearing at Silverton, Colo., held on February 3, 1969. The record showing comments received and other information is on file and can be examined in the Montrose District Office, Montrose, Colo. Public lands affected by this classification are located within the following described areas and are shown on maps on file in the Montrose District Office, Bureau of Land Management, Highway 550 South, Montrose, Colo. 81401, and Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

All legal descriptions used in this notice are based on protraction diagram 24A and 27, Colorado, approved May 5, 1965, and November 12, 1964, respectively.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO
SAN JUAN, LA PLATA, AND OURAY COUNTIES

T. 38 N., R. 7 W.,
Secs. 6 and 7.
T. 39 N., R. 7 W.,
Secs. 8, 7, 18, 19, 30, and 31.
T. 40 N., R. 7 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 41 N., R. 7 W.,
Secs. 1 to 36, inclusive.
T. 42 N., R. 6 W.,
Secs. 5, 6, 7, and 8;
Secs. 17, 18, 19, and 20.
T. 42 N., R. 7 W.,
Secs. 1, 2, and 3;
Secs. 9 to 36, inclusive.
T. 43 N., R. 7 W.,
Secs. 1, 25, 35, and 36.

The vacant public lands in the area described aggregate approximately 41,121 acres.

3. As provided in 2(b) above, the following lands are further segregated from appropriation under the mining laws:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO
SAN JUAN COUNTY—BOULDER GULCH
(Silverton Municipal Water Supply)

All of the public land areas draining from ridgetops toward and into the main Boulder Gulch hydrologic watershed including its segments and branches within the following area:

T. 42 N., R. 7 W.,
Sec. 27, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$;
Sec. 28, $E\frac{1}{2}SE\frac{1}{4}$;
Sec. 33, all;
Sec. 34, $W\frac{1}{2}$, $SW\frac{1}{4}SE\frac{1}{4}$.
T. 41 N., R. 7 W.,
Sec. 3, $NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SW\frac{1}{4}$;
Sec. 4, all;
Sec. 9, $N\frac{1}{2}NE\frac{1}{4}$.

SILVERTON URBAN EXPANSION BUFFER ZONE

All public land lying within 1,320 feet measured horizontally from and perpendicular to the September 1968 corporate limits of the Town of Silverton.

ELK PARK SITE

T. 40 N., R. 7 W.,
Sec. 20, $NE\frac{1}{4}NE\frac{1}{4}$.

KENDALL SKI AREA

All public land in the following area:

T. 41 N., R. 7 W.,
Sec. 16, $S\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$;
Sec. 17, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$, and
 $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$.

LITTLE HIGHLAND MARY SITE

All public land lying above the mean high-water line of Little Highland Mary Lake, on either side of the center line of Little Highland Mary Creek in the following area:

T. 41 N., R. 7 W.,
Sec. 25, $SE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$;
Sec. 36, $E\frac{1}{2}E\frac{1}{2}$, $SW\frac{1}{4}SE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$.

These lands aggregate approximately 2,150 acres. Total area in this classification aggregates approximately 41,121 acres of public land.

3. For a period of 30 days from date of publication in the FEDERAL REGISTER, this classification shall be subject to the exercise of administrative review and modification by the Secretary of the Interior as provided for in 43 CFR 2411.2c.

E. I. ROWLAND,
State Director.

[F.R. Doc. 69-2382; Filed, Feb. 26, 1969;
8:49 a.m.]

[ES 5444; Survey Group 49]

LOUISIANA

Notice of Filing of Plat of Survey

FEBRUARY 19, 1969.

1. The plat of survey of the following described land, accepted on January 15, 1969, will be officially filed in the Eastern States Land Office, effective at 10 a.m. on March 31, 1969:

LOUISIANA MERIDIAN, LOUISIANA

T. 16 N., R. 10 W.,
Sec. 17, lot 1;
Sec. 29, lot 1;
Sec. 30, lots 6, 7, 8, 9, 10, 11, 12, and 13.

The lands described aggregate 229.72 acres.

2. This plat represents an extension survey and retracement and reestablishment of a portion of the west boundary and subdivisional lines in section 30, and the survey of Peggys Island in section 17, and Hog Island in section 29.

3. As determined by previous Government surveys the level of Lake Bistineau in 1812 was at the 148.60 feet elevation (msl) contour line and that contour has been established as the boundary of the public land included in the present survey. There is sufficient land above said contour line to attest to the fact that this area (including the two islands) was land in place in 1812 when Louisiana was admitted in the Union and on the date of the original survey in 1838 and at all subsequent dates. The land, therefore, has the status of public land and is well over 50 percent upland in character within the interpretation of the swampland acts.

4. The above lands are subject to disposition pursuant to valid existing claims by reason of the official filing of this plat, and any land not included in such claims will not be available for disposition under the public land laws until a further order is issued.

5. Any inquiries relating to these lands should be directed to the Manager, Eastern States Land Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Md. 20910.

DORIS A. KOIVULA,
Manager.

[F.R. Doc. 69-2359; Filed, Feb. 26, 1969;
8:47 a.m.]

[OR 4372]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 20, 1969.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 4372, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires to set aside six campgrounds and three campground additions for the protection and public recreational use of the Mount Hood National Forest.

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 view in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Ore. 97208.

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 areas 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 applicant agency.

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

MOUNT HOOD NATIONAL FOREST

Lazy Bend Campground Addition

T. 4 S., R. 5 E.,
Sec. 28, $S\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}$, and $N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$.

Memaloose Campground

T. 4 S., R. 5 E.,
Sec. 29, $SW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$.

Carter Bridge Campground Addition

T. 5 S., R. 5 E.,
Sec. 2, $NW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$.

Armstrong Campground Addition

T. 5 S., R. 5 E.,
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Ward Campground

T. 5 S., R. 5 E.,
Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$, and W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Skookum Lake Campground

T. 6 S., R. 5 E.,
Sec. 35, W $\frac{1}{2}$ SW $\frac{1}{4}$ of lot 3.

Shining Lake Campground

T. 4 S., R. 6 E.,
Sec. 36, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Frazier Forks Campground

T. 5 S., R. 7 E.,
Sec. 9, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

Frazier Turnaround Campground

T. 5 S., R. 7 E.,
Sec. 9, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The areas described aggregate 125.34 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[P.R. Doc. 69-2360; Filed, Feb. 26, 1969;
8:47 a.m.]

[OR 4374]

OREGON**Notice of Proposed Withdrawal and Reservation of Land**

FEBRUARY 20, 1969.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 4374, for the withdrawal of the national forest land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant requests the use of the East Pine Reservoir Area in order to retain it in Federal ownership for public recreation, administrative use, and to safeguard the Government's present and future investments in the area.

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, 729 Northeast Oregon Street, Post Office Box 2965, Portland, Oreg. 97208.

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 land and its 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 land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

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 land involved in the application is:

WILLAMETTE MERIDIAN**WHITMAN NATIONAL FOREST****East Pine Reservoir Area**

T. 7 S., R. 46 E.,
Sec. 16, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$,
SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 20, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described aggregates 290 acres.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[P.R. Doc. 69-2361; Filed, Feb. 26, 1969;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE**Federal Crop Insurance Corporation**

[Notice 41]

**CANNING AND FREEZING PEAS,
NEZ PERCE COUNTY, IDAHO****Extension of Closing Date for Filing
of Applications for 1969 Crop Year**

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for canning and freezing pea crop insurance for the 1969 crop year in Nez Perce County, Idaho, is hereby extended until the close of business on March 14, 1969. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL]

ERNEST C. NEAS,
Acting Manager, Federal
Crop Insurance Corporation.

[P.R. Doc. 69-2407; Filed, Feb. 26, 1969;
8:50 a.m.]

DEPARTMENT OF COMMERCE**Business and Defense Services
Administration****STANFORD UNIVERSITY****Notice of Decision on Application for
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00172-33-46500. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ultramicrotome, Model LKB 8800A and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in the preparation of ultrathin and normal serial sections of embedded cortical tissue and ganglia to map geography or synaptic connections of limited structural zones. Exact thickness is needed in different tissues. The operator is permitted to quickly and easily change the cutting thickness from 50 angstrom units to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a guaranteed minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2 has a guaranteed minimum thickness capability of 100 angstroms. The better thin sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more it is possible to take advantage of the ultimate resolving power of the electron microscope. (2) The foreign article has a thermal advance, whereas the Sorvall Model MT-2 has a gear driven mechanical advance. For the purposes for which the foreign article is intended to be used, the applicant requires a long series of ultrathin sections. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated January 24, 1969, that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required.

For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Ad-
ministration.

[P.R. Doc. 69-2335; Filed, Feb. 26, 1969;
8:45 a.m.]

STATE UNIVERSITY OF NEW YORK AT STONY BROOK

Amendment to Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following notice of decision published in volume 34 No. 29 of the *FEDERAL REGISTER* (Wednesday, Feb. 12, 1969) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read:

Docket No. 69-00156-65-01100 instead of Docket No. 69-00156-001100.

Docket No. 69-00156-65-01100. Applicant: State University of New York at Stony Brook, Stony Brook, Long Island, N.Y. 11790. Article: Particle size analyzer. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of article: The article will be used by the Department of Material Sciences in an approved graduate program concerning the investigation of the physical properties of materials. The experiments being conducted are for determining, under a broad spectrum of temperature conditions, the electrical resistivity of high conductivity materials. Also, the effect of oxidized surfaces on body properties are being investigated. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used to study microphotographs of the oxidized surfaces of high conductivity materials for determining imperfection sizes as part of an analysis in the investigation of the physical properties of materials. We are advised by the National Bureau of Standards (NBS), in a memorandum dated November 8, 1968, that there is no known domestic instrument which is capable of fulfilling the purposes for which the foreign apparatus is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such

article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Ad-
ministration.

[P.R. Doc. 69-2336; Filed, Feb. 26, 1969;
8:45 a.m.]

PUBLIC HEALTH SERVICE HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder (32 P.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

Docket No. 69-00173-33-46500. Applicant: U.S. Public Health Service Hospital, Bay Street and Vanderbilt Avenue, Staten Island, N.Y. 10304. Article: Ultramicrotome, Model LKB 4800A Ultratome I. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for thin sectioning biopsies of human and animal kidney for viewing with the electron microscope. Since the amount of tissue available is usually quite limited, the study requires an ultramicrotome capable of yielding series of sections of equal thickness. It must be able to easily cut sections of thickness from 50 angstroms to 2 microns. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article has a minimum thickness capability of 50 angstroms. The most closely comparable domestic instrument is the Model MT-2 ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall), which provides a minimum thickness capability of 100 angstroms. The better thin sectioning capability of the foreign article is pertinent because the thinner the section that can be examined under an electron microscope, the more is it possible to take advantage of the ultimate resolving power of the electron microscope. (2) The foreign article has a thermal advance, whereas the Sorvall Model MT-2 has a gear driven mechanical advance. For the purposes for which the foreign article is intended to be used, the applicant requires a long series of ultrathin sections. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum

dated January 24, 1969, that only thermal advance ultramicrotomes have performed satisfactorily where long series of ultrathin and uniform sections are required.

For the foregoing reasons, we find that the Sorvall Model MT-2 is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

CHARLEY M. DENTON,
Assistant Administrator for In-
dustry Operations, Business
and Defense Services Ad-
ministration.

[P.R. Doc. 69-2337; Filed, Feb. 26, 1969;
8:45 a.m.]

UNIVERSITY OF HAWAII

Amendment to Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following notice of decision published in volume 34, No. 29 of the *FEDERAL REGISTER* (Wednesday, February 12, 1969) pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read:

Docket No. 69-00139-33-41400 instead of Docket No. 69-00139-33-46040.

Docket No. 69-00139-33-41400. Applicant: University of Hawaii Medical School, c/o Leahi Hospital, 3675 Kilauea Avenue, Honolulu, Hawaii 96816. Article: Electric microtome knife sharpener, Model "MN-61". Manufacturer: Sakura Finetech Co., Ltd., Japan. Intended use of article: The article will be used to maintain special histotechnical knives employed at the institution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended for refinishing special histotechnical ultramicrotome knives having a length of 250 millimeters. In addition to having the capability to handle 250 millimeter ultramicrotome knives, the foreign article is completely automatically operated and is designed for use with an oil-abrasive combination. In nonautomatic operation, the pressure of the hone on the knife and the speed of the hone are subject to considerable variation because these depend on the hand movements of the operator. The oil-abrasive combinations avoid the problems of rust which are inherent in water-abrasive combinations. We are advised by the Department of Health, Education, and Welfare that the above-described three characteristics of the foreign

article are pertinent to the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no comparable ultramicrotome knife sharpener being manufactured in the United States, which combines these three characteristics in a single apparatus.

CHARLEY M. DENTON,
Assistant Administrator for
Industry Operations, Business
and Defense Services Admin-
istration.

[P.R. Doc. 69-2338; Filed, Feb. 26, 1969;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDU- CATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-122; NDA No. 10-491]

LEMMON PHARMACAL CO.

Anergex (Poisonoak Extract for In- jection); Notice of Opportunity for Hearing

In an announcement published in the FEDERAL REGISTER of September 5, 1968 (33 F.R. 12588), the holder of the new-drug application for Anergex (Poisonoak Extract) for Injection, as well as any other interested person, was invited to submit data that might be pertinent to the question of effectiveness of the drug. The information received, considered together with the other available information, does not provide substantial evidence of effectiveness of the drug for its recommended use in man.

Therefore, notice is hereby given to Lemmon Pharmacal Co. (Mulford Laboratories Division), Sellersville, Pa. 18960, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order, under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)), withdrawing approval of new-drug application No. 10-491 and all amendments and supplements thereto held by Lemmon Pharmacal Co. for the drug Anergex (Poisonoak Extract) for Injection containing per milliliter 40 milligrams of extractive substances obtained from *Toxicodendron quercifolium*, on the grounds that: New information before the Commissioner with respect to such drug, evaluated together with the evidence available to him when the application was approved, shows that there is a lack of substantial evidence that this drug has the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval,

an opportunity for a hearing at which times such persons may produce evidence and arguments to show why approval of new-drug application No. 10-491 should not be withdrawn. Promulgation of the order will cause any drug for human use containing extractive substances obtained from *Toxicodendron quercifolium* and recommended for the same conditions of use, to be a new drug for which an approved new-drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Food, Drug, and Environmental Health Division, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: February 19, 1969.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[P.R. Doc. 69-2354; Filed, Feb. 26, 1969;
8:46 a.m.]

STEIN, HALL & CO., INC.

Notice of Filing of Petition for Food Additive Acrylamide-Acrylic Acid Resin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348

(b)(5)), notice is given that a petition has been filed by Stein, Hall & Co., Inc., 605 Third Avenue, New York, N.Y. 10016, proposing the issuance of a food additive regulation (21 CFR Part 121, Subpart C) to provide for the safe use of acrylamide-acrylic acid resin as a suspending agent in aqueous solutions of premixes to be sprayed or otherwise added in the manufacture of mixed animal feeds.

Dated: February 19, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[P.R. Doc. 69-2355; Filed, Feb. 26, 1969;
8:47 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

FEDERAL INSURANCE ADMINISTRA- TOR AND DEPUTY FEDERAL IN- SURANCE ADMINISTRATOR

Delegations of Authority

SECTION A. Authority delegated with respect to the national insurance development program. The Federal Insurance Administrator and the Deputy Federal Insurance Administrator each is hereby authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the national insurance development program under title XII of the National Housing Act (as added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb-1749bbb-21) except the authority to:

1. Appoint members of the Advisory Board and take other action under section 1202(a) of the National Housing Act (12 U.S.C. 1749bbb-1).
2. Establish and administer the National Insurance Development Fund under section 1233 (12 U.S.C. 1749bbb-13).
3. Audit and examine the records of insurers or others under section 1234(d) (12 U.S.C. 1749bbb-14).
4. Submit the results of the study of reinsurance and other programs, together with recommendations, under section 1235(b) (12 U.S.C. 1749bbb-15(b)).
5. Exercise the powers under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749a(a)), applicable under section 1237 of the National Housing Act (12 U.S.C. 1749bbb-17).
6. Sue and be sued under section 402(c)(3) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(3)), applicable under section 1237 of the National Housing Act (12 U.S.C. 1749bbb-17).
7. Borrow from the Treasury funds for losses under title XII, under section 520(b)(2) of the National Housing Act (12 U.S.C. 1735d(b)(2)).
8. In the case of the Deputy Federal Insurance Administrator, issue rules and regulations under section 402(c)(1) of the Housing Act of 1950 (12 U.S.C. 1749a(c)(1)), applicable under section 1237

of the National Housing Act (12 U.S.C. 1749bbb-17).

Sec. B. Authority delegated with respect to the national flood insurance program. The Federal Insurance Administrator and the Deputy Federal Insurance Administrator each is further authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127) except the authority to:

1. Borrow funds from the Treasury under the Federal Flood Insurance Act of 1956, as amended by section 1303 of the National Flood Insurance Act, and under section 1309 of the National Flood Insurance Act (42 U.S.C. 2414(e) and 4016).

2. Establish and administer the National Flood Insurance Fund under section 1310 (42 U.S.C. 4017).

3. Appoint, and fix the rate of compensation of members of, a flood insurance advisory committee under section 1318 (42 U.S.C. 4025).

4. Report on program operations, in the annual report to the President, under section 1320 (42 U.S.C. 4027).

5. Make the determination concerning Federal operation of the program and the report to Congress under section 1340 (42 U.S.C. 4071).

6. Be sued under section 1341 (42 U.S.C. 4072).

7. Audit and examine the records of flood insurance pools and insurance companies or other private organizations under section 1348(b) (42 U.S.C. 4084 (b)).

8. In the case of the Deputy Federal Insurance Administrator, issue rules and regulations.

Sec. C. Authority delegated with respect to the Southeast Hurricane Disaster Relief Act. The Federal Insurance Administrator and the Deputy Federal Insurance Administrator each is authorized to exercise the authority of the Secretary of Housing and Urban Development with respect to the study of alternative programs to provide financial assistance to those suffering property losses in natural disasters, under section 5 of the Southeast Hurricane Disaster Relief Act of 1965 (79 Stat. 1301).

Sec. D. Authority to redelegate. The Federal Insurance Administrator and the Deputy Federal Insurance Administrator each is authorized to redelegate to subordinate employees any of the power and authority delegated under sections A, B, and C, except, in the case of the Federal Insurance Administrator, the authority to issue rules and regulations.

Sec. E. Authority to designate Acting Federal Insurance Administrator and acting subordinate officials. The Federal Insurance Administrator is further authorized to:

1. Designate one or more subordinate employees to serve as Acting Federal Insurance Administrator during the absence of the Administrator.

2. Designate one or more subordinate employees to serve as acting head of an organizational unit under the Administrator during the absence of the head of a unit or during a vacancy in the position.

Sec. F. Superseding. The delegations of authority under sections A, D, and E supersede the delegations effective August 1, 1968 (33 F.R. 11794, Aug. 20, 1968).

(Sec. 7(d), Department of HUD Act of 1965, 42 U.S.C. 3535(d))

Effective date. This document shall be effective as of February 27, 1969.

GEORGE ROMNEY,
Secretary of Housing and
Urban Development.

[P.R. Doc. 69-2409; Filed, Feb. 26, 1969;
8:50 a.m.]

DIRECTOR, OFFICE OF URBAN TECHNOLOGY AND RESEARCH

Revocation of Delegation of Authority

Section A, 5, of the delegations of authority to the Director, Office of Urban Technology and Research, effective June 30, 1967 (32 F.R. 9325, June 30, 1967), with respect to the authority under section 5 of the Southeast Hurricane Disaster Relief Act of 1955, is hereby revoked.

(Sec. 7(d), Department of HUD Act of 1965, 42 U.S.C. 3535(d))

Effective date. This revocation shall be effective as of February 27, 1969.

GEORGE ROMNEY,
Secretary of Housing and
Urban Development.

[P.R. Doc. 69-2410; Filed, Feb. 26, 1969;
8:50 a.m.]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SS-R-4]

ACCIDENT AT LAUREL, MISS.

Notice of Hearing

In the matter of investigation of accident involving derailment with subsequent fire and explosions of Southern Railway Train at Laurel, Miss., on January 25, 1969, Docket No. SS-R-4.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., c.s.t., on March 4, 1969, in the Sun 'n Sand Motel in Jackson, Miss.

Dated this 7th day of February 1969.

JOHN H. REED,
Chairman, Board of Inquiry.

[P.R. Doc. 69-2379; Filed, Feb. 26, 1969;
8:49 a.m.]

ATOMIC ENERGY COMMISSION

ASSISTANT GENERAL MANAGER FOR MILITARY APPLICATION ET AL.

Notice of Basic Compensation

Pursuant to the provisions of 5 U.S.C. 5364, the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from \$28,000 to \$30,239 per annum, effective February 23, 1969:

Title of position	Authorizing section of Atomic Energy Act of 1954, as amended
Assistant General Manager for Military Application, and Program Division Directors.	Section 25a.
Director, Division of Inspection.	Section 25c.
Executive Management Positions.	Section 25d.

Dated: February 20, 1969.

W. B. McCool,
Secretary.

[P.R. Doc. 69-2333; Filed, Feb. 26, 1969;
8:45 a.m.]

[Docket No. 50-252]

UNIVERSITY OF NEW MEXICO

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") has issued Amendment No. 1, as set forth below, to Facility License No. R-102 to The University of New Mexico. The license authorizes the University to possess, use and operate a Model AGN-201, Serial No. 112, nuclear reactor in Nuclear Engineering Laboratory Building No. 108 on the University's campus in Albuquerque, N. Mex., at power levels up to a maximum of 100 milliwatts (0.1 watt).

The amendment authorizes the University to (1) move the reactor to Nuclear Engineering Laboratory Building No. 109, which is 90 yards from its present location on the campus, in accordance with procedures described in the application for license amendment dated November 11, 1968, and this amendment, and (2) subsequently operate the reactor in the new location at its presently authorized power level of 100 milliwatts. The amendment is effective as of the date of issuance.

The Commission has issued the University an amendment to its indemnity agreement which will be executed by the University in accordance with the requirements of Part 140 of the Commission's regulations.

The Commission has found that prior public notice of proposed issuance of this license amendment is not necessary in the public interest since the relocation of the reactor and its subsequent operation do not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the *FEDERAL REGISTER*, the applicant may file a request for a hearing and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) The University of New Mexico's application dated November 11, 1968, and (2) a related Safety Evaluation prepared by the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing, Washington, D.C.

Dated at Bethesda, Md., this 17th day of February 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor
Operations, Division of Re-
actor Licensing.

AMENDMENT TO FACILITY LICENSE

[License R-102, Amdt. 1]

The Atomic Energy Commission ("the Commission") has found that:

1. The application dated November 11, 1968, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. The University of New Mexico is financially and technically qualified to undertake the relocation and subsequent operation of the reactor as described in the application;

3. The University of New Mexico has submitted sufficient information to provide reasonable assurance that the reactor can be relocated and operated at the new location without endangering the health and safety of the public; and

4. The relocation of the reactor and possession, use and operation of the reactor will not be inimical to the common defense and security or to the health and safety of the public.

Facility License No. R-102, which authorizes The University of New Mexico ("the University") to operate its Model AGN-201, Serial No. 112, nuclear reactor on its campus in Albuquerque, N. Mex., is hereby amended to:

1. Authorize the University to move the reactor from its present location in Nuclear Engineering Laboratory Building No. 108 to Nuclear Engineering Laboratory Building No. 109 of the Engineering Center on the University's campus in accordance with the procedures described in the application for license amendment dated November 11, 1968.

2. Authorize the University to operate the reactor at its new location at steady-state power levels up to a maximum of 100 milliwatts in accordance with the terms and conditions contained in License No. R-102.

This license amendment is effective as of the date of issuance.

Date of issuance: February 17, 1969.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Oper-
ations, Division of Reactor Li-
censing.

[F.R. Doc. 69-2334; Filed, Feb. 26, 1969;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18496; Order 69-2-109]

CITY OF LINCOLN, NEBR. AND AIR- PORT AUTHORITY OF LINCOLN, NEBR.

Order Regarding Additional Certified New Air Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1969.

Application of the city of Lincoln, Nebr., and the airport authority of the city of Lincoln, Nebr., for additional certificated new air services.

On December 23, 1968, Lincoln, Nebr., filed a petition for reconsideration of the Board's order 68-12-12 which denied a motion requesting immediate hearing on its application for improved air service to certain cities. United Air Lines and the Bureau of Operating Rights filed answers in opposition to Lincoln's petition.

In the order 68-12-12, we indicated that Lincoln's needs for improved service would be considered in a proceeding which will be instituted as soon as practicable after the Service to Omaha and Des Moines Case is concluded. In view of the fact that the Omaha case is now before an examiner of the Board for decision, we have reconsidered our earlier determination and have concluded that hearing on Lincoln's application need not await completion of the Omaha case. While we are not prepared to hear Lincoln's application immediately, we expect to reach that application in the reasonably near future.

Accordingly, it is ordered, That:

1. Lincoln's petition for reconsideration of the Board's order 68-12-12 be and hereby is granted;

2. The application of Lincoln, Nebr., Docket 18496, shall be set for hearing before an examiner of the Board at a time and place to be hereafter designated.

This order shall be published in the *FEDERAL REGISTER*.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2396; Filed, Feb. 26, 1969;
8:50 a.m.]

[Docket No. 18650; Order 69-2-83]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority on February 18, 1969.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the Seventh Meeting of the Joint Specific Commodity Rates Committee, held in Geneva, November 12, through November 15, 1968.

Basically, the agreement, as it applies in air transportation, extends for a further period of effectiveness certain specific commodity rates, under current or amended descriptions, adopted since the Sixth Meeting of the Joint Specific Commodity Rates Committee held in New York, February 6, through February 9, 1968. The agreement also names rates to added points under existing commodity descriptions, and it proposes reduced rates under several new commodity descriptions, as set forth in the attachment hereto.¹

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 20745 be approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the *FEDERAL REGISTER*.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 69-2397; Filed, Feb. 26, 1969;
8:50 a.m.]

¹ Filed as part of the original document.

[Docket No. 18807]

NORTH CENTRAL AIRLINES, INC.**Notice of Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 20, 1969, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Edward T. Stodola.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before March 12, 1969, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates.

Dated at Washington, D.C., February 20, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2398; Filed, Feb. 26, 1969;
8:50 a.m.]

[Docket No. 20305; Order 69-2-105]

NORTH CENTRAL AIRLINES, INC.**Order Regarding Certificate of Public Convenience and Necessity**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1969.

On September 30, 1968, North Central Airlines, Inc. (North Central), filed an application pursuant to Subpart M of the rules of practice for removal of condition 4(a) of its certificate for Route 86 so as to permit nonstop service between Minneapolis/St. Paul, Minn., and Chicago, Ill., subject to the condition which would require all nonstop flights to originate or terminate at a point west of Minneapolis/St. Paul, Minn.¹

Answers in opposition to the application were filed by United Air Lines, Inc., and Northwest Airlines, Inc., North Central filed a consolidated reply to both answers.

Upon consideration of the foregoing pleadings and all the relevant facts, the Board has determined that there is a sufficient basis for setting North Central's application for hearing.

Accordingly, it is ordered, That:

The application of North Central Airlines, Inc., in Docket 20305, be and it hereby is set down for hearing before an examiner of the Board at a time and place to be hereafter designated.

¹ The Board did not take action to summarily dismiss the application within the 10-day period set forth in § 302.1305(a) and consequently the provisions of Subpart M became automatically applicable.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 69-2399; Filed, Feb. 26, 1969;
8:50 a.m.]

[Docket No. 19539]

**PHOENIX-PORTLAND/SEATTLE
NONSTOP CASE****Notice of Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 8, 1969, at 10 a.m., e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before March 28, 1969, (1) motions pertaining to the scope of the proceeding; (2) proposed statements of issues; (3) proposed stipulations; (4) requests for information; (5) statements of positions of parties; and (6) proposed procedural dates.

Dated at Washington, D.C., February 24, 1969.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[F.R. Doc. 69-2400; Filed, Feb. 26, 1969;
8:50 a.m.]

FEDERAL HOME LOAN BANK BOARD**GREAT WESTERN CORP.****Receipt of Application for Permission
To Acquire Control of Pima Savings
and Loan Association; Correction**

FEBRUARY 24, 1969.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Great Western Corp., Tucson, Ariz., for permission to acquire Pima Savings and Loan Association, Tucson, Ariz., under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730(a)) and § 584.4 of the Regulations for Savings and Loan Holding Companies (12 CFR 584.4). The proposed acquisition is to be effected by the purchase for cash of certain of the outstanding permanent reserve guarantee stock of Pima Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20052, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[F.R. Doc. 69-2389; Filed, Feb. 26, 1969;
8:49 a.m.]

**FEDERAL COMMUNICATIONS
COMMISSION**

[Report 428]

**COMMON CARRIER SERVICES
INFORMATION¹****Domestic Public Radio Services Appli-
cations Accepted for Filing²**

FEBRUARY 24, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

² The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

FEBRUARY 24, 1969.

- 4775-C2-P-69—General Telephone Co. of California; (new); C.P. for a new 2-way station. Base frequency: 454.575 MHz. Location: 208 South Locust Street, Pomona, Calif.
- 4776-C2-P-69—Radiocall, Inc.; (new); C.P. for a new 1-way-signaling station. Frequencies: 152.24 and 158.70 MHz at location No. 1: 1519 Nuuanu Avenue, Honolulu, Hawaii, and location No. 2: 146 Alkahi Loop, Kailua, Hawaii.
- 4777-C2-ML-69—Michigan Bell Telephone Co.; (KQD306); modification of license to delete frequency 454.99 MHz, and add frequency 454.675 MHz and change emission designator at its developmental station located at 25189 Lahser Road, Southfield, Mich.
- 4778-C2-P-69—General Telephone Co. of California; (KMM618); C.P. to change antenna location from 200 feet east of State Highway No. 1, 6.8 miles north of Lompoc, Calif. To: Mount Santos, 5.6 miles north of Lompoc, Calif., and replace the transmitter for base frequency 152.78 MHz.
- 4794-C2-P-69—Stanley F. Wylie, doing business as Apex Communications; (new); C.P. for a new 2-way station. Base frequency 152.21 MHz. Location: 415 South Goldthwaite, Montgomery, Ala.
- 4808-C2-P-69—Home Telephone Co.; (new); C.P. for a new 2-way station. Base frequency: 152.66 MHz. Location: Water tank, 800 feet west of Highway No. 305, Olive Branch, Miss.
- 4809-C2-P-69—People's Telephone Co.; (KOK418); C.P. to change antenna location from Lyons, Oreg., to McCully Mountain, approximately 1 mile south-southwest of Lyons, Oreg., operating on frequency 35.46 MHz.
- 4810-C1/C2-AL-(3)-69—R. L. Mohr, doing business as Radiocall; consent to assignment of license from R. L. Mohr, doing business as Radiocall, Assignor, to Radiocall, Inc., Assignee. Stations: KUA215—Honolulu, Hawaii (2-way). KUA217—Honolulu, Hawaii (1-way).
- 4811-C2-P-69—New England Telephone & Telegraph Co.; (KCA228); C.P. to change antenna system operating on base frequencies 152.63 and 152.75 MHz at location No. 2: Neutaconkanut Hill, Ipswich Street, Johnston, R.I.

Major Amendment

- 5150-C2-P-66—Collins Communication; (new); application amended to change base and mobile frequencies from 152.03 MHz and 158.49 MHz to 454.35 MHz and 459.35 MHz, respectively, and to change accordingly the proposed radio system; also, to add an additional base station location and a control station on the mobile frequency cosited with the base station, control station and control point locations of Station KON918 and for waiver of section 21.505 of the Commission's rules for the additional base station location. Application reported on public notice dated Apr. 11, 1966, Report No. 278.

Correction

- 4546-C2-P-69—Airsignal International, Inc.; (new); this supersedes correction on public notice No. 427, dated Feb. 17, 1969, omitting the file number of public notice entry appearing on Report No. 426 dated Feb. 10, 1969. Applicant's name should read Telephone Answering Service, Inc.
- 2121-C2-AL-69—Telephone Message Exchange, Inc.; (KGC591); correct Applicant to read Wilmington Telephone Answering Service Co.; also correct nature of application to read: Consent to assignment of license from Wilmington Telephone Answering Service Co., Assignor to Airsignal International, Inc., Assignee. All other particulars remain same as stated on public notice dated Oct. 14, 1968, Report No. 409.
- Renewals of licenses expiring April 1, 1969. Term: April 1, 1969, to April 1, 1974.

ALABAMA		COLORADO	
Licensee	Call sign	Licensee	Call sign
Phenix Communications Co., Inc.	KIJ351	Westcol Radio Dispatch	KAD511
W. M. Russell	KIY519		
ARKANSAS		FLORIDA	
City-Wide Selective Paging Service, Inc.	KKX708	Boca Mobilphone	KFQ941
		Florida Radio Phone	KIA958
CALIFORNIA		Do	KIG845
Cal-Autofone	KMA252	G & M Communications, Inc.	KPL876
Do	KMD684	J & S Communications	KIQ515
Intrastate Radio Telephone, Inc. of San Francisco	KMA833	Radiopaging, Inc.	KIE367
Mobile Radio System of Ventura, Inc.	KMA835	GEORGIA	
R.O.S., Inc.	KMD689	Boatright Radio Service	KJU796
		Radio Communications & Electronics Co.	KIR202
		Radiofone of Georgia, Inc.	KJU807

ILLINOIS

Licensee	Call sign
Olney Communications, Inc.	KSJ770
Radio-Telephone, DuPage, Inc.	KSD684

KANSAS

Mobilfone of Kansas	KAQ634
Do	KAQ635
Do	KPL933

LOUISIANA

New Orleans Mobilfone	KKA400
Do	KLB759

MARYLAND

American Radio-Telephone Service, Inc.	KGA249
Contact, Inc.	KGA807
Telephone and Radio Answering Service Co., Inc.	KGA590

MICHIGAN

Cahill Answering Services, Inc.	KQK731
Kalamazoo Telephone Answering Service	KQK720

MISSISSIPPI

Monroe Radio Telephone Co.	KKX711
Do	KKM574

MISSOURI

R & L Radio	KPL910
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MONTANA

Mathews Telephone Answering Service	KGI274
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NEVADA

Vegas Instant Page	KFL943
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NEW HAMPSHIRE

Comex, Inc.	KCC797
Do	KCI295

NEW YORK

Dr. Peter A. Bakal	KEC514
Do	KED364
Capital Telephone Co., Inc.	KEC937
Mobilfone Radio System	KEA254
Poughkeepsie Radio, Inc.	KEJ882
Tel-Page Corp.	KEC518
Do	KEJ894
Tri-Cities Answering Service, Inc.	KEC930

NORTH CAROLINA

Ra-Tel Co.	KIY777
Services Unlimited, Inc.	KIY449
Do	KIY792

OHIO

Buckeye Communications Co.	KJU813
Do	KLF500
Central Mobile Radio Phone Service, Inc.	KQA770
Do	KQC875
Do	KQD597
Do	KQD699
Do	KQK595
Do	KQK584
Mobilradio Telephone Service	KQC576

OKLAHOMA

Muskogee Two-Way Dispatching	KLB314
Radiocall Paging Service	KKM248
Two-Way Radio Communications Co. of Kansas, Inc.	KLF507

OREGON

Licensee	Call sign
Autofone Co.	KOP257
Communication Specialists Co., Inc.	KOP296
Do	KOP297
Do	KOP322

PENNSYLVANIA

Allegheny Mobile Communications.	KGA252
A. F. Kimmel	KGA589
Do	KGA802
Radio Broadcasting Co.	KGB874
Scott Communications, Inc.	KGB875
Susquehanna Mobile Communications, Inc.	KGC599
Telephone Answering Service	KGH870
Gerard T. Uht	KGH857

SOUTH CAROLINA

A-Ble Answering Service	KFL907
Morris Communications, Inc.	KFL880
Do	KFL904
Do	KIY731

SOUTH DAKOTA

Dakota Radio Paging, Inc.	KQK777
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TENNESSEE

Chattanooga Venetian Blind Co., Inc.	KIK580
Nashville Mobilphone, Inc.	KFL864
Do	KIY750

TEXAS

Am-Tex Dispatch Service	KLB564
Answer, Inc. of Galveston	KLB617
Answer, Inc. of San Antonio	KKG559
Auto-Phone Dispatch of Levelland	KLB874
Bee Mobilradio	KFL912
Central Communications Co.	KFL524
Central Radio Dispatch, Inc.	KKI460
Do	KKX715
Do	KLB514
Andrew J. Dibrell	KLB536
Robert E. Franklin	KKE965
Bruce Graham	KLB689
Mobilphone	KKG565
Do	KKX709
Do	KLB562
Mobilphone of Tyler	KLB493
Morrison Radio Relay Corp.	KKJ460
Pampa Communications Center	KLB497
Public Communications, Inc.	KLB761
Radio Paging, Inc.	KKI445
Radiofone	KKX713
Ranch Radio, Inc.	KLB324
Do	KUA276

VIRGINIA

Advanced Communications Co.	KLF465
Norfolk Radio Paging Service	KIG297

WASHINGTON

Autofone Co.	KOP910
Communication Specialists Co., Inc.	KFL919
Seattle Radiotelephone Service	KOA733

WEST VIRGINIA

Mobile Telephone Service of Wheeling, W. Va.	KQK775
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WISCONSIN

State-Wide Communications	KFL828
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WYOMING

E. B. and Donna W. Brownell	KPQ930
Custom Radio	KOK342
Wycomco	KON908

RURAL RADIO SERVICE

4810-C1-C2-AL-(3)-69-R. L. Mohr, doing business as Radiocall; (KUS24); consent to assignment of license from R. L. Mohr, doing business as Radiocall, Assignor to Radiocall, Inc., Assignee. Temporary fixed location.

4812-C1-P-69-The Chesapeake & Potomac Telephone Co. of Maryland; (new); C.P. for a new Rural Subscriber—Fixed Station to be located at 2500 Broening Highway, Baltimore, Md., to operate on frequencies 157.77, 157.89, 158.01, and 158.07 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

4765-C1-P-69-Illinois Bell Telephone Co.; (KYO33); C.P. to add frequencies 6049.0 and 11,645.0 MHz toward Michigan City, Ind., and add 6138.0, 11,445.0, and 11,525.0 MHz toward Hammond, Ind., and change antenna system at its station located at Woodville Junction, Ind.

4766-C1-P-69-Illinois Bell Telephone Co.; (new); C.P. for a new fixed station. Frequencies: 6360.3, 10,795.0, 10,995.0, and 11,035.0 MHz. Location: 7220 Kennedy Avenue, Hammond, Ind.

American Telephone & Telegraph Co.; eight (8) C.P.'s to provide one pair of TD-3 telephone channels on existing and authorized TH routes between Durham, Conn., and Roslyn Harbor, N.Y., also, one pair of protection channels will be provided in the Durham-Putnam Valley, N.Y., and Stamford, Conn.-Roslyn Harbor sections of the existing and authorized routes as follows:

4767-C1-P-69-American Telephone & Telegraph Co.; (KCD68); add 3710 and 3790 MHz toward Bethany, Conn., at station located 3.4 miles northeast of Durham, Conn.

4768-C1-P-69-American Telephone & Telegraph Co.; (KTQ65); add 3750 and 3830 MHz toward Durham, and toward New Fairfield, Conn., at its station located 1.2 miles south of Bethany, Conn.

4769-C1-P-69-American Telephone & Telegraph Co.; (KTQ66); add 3710 and 3790 MHz toward Bethany, Conn., and toward Putnam Valley, N.Y., at station located 1.9 miles southwest of New Fairfield, Conn.

4770-C1-P-69-American Telephone & Telegraph Co.; (KTQ67); add 3750 and 3830 MHz toward New Fairfield, Conn., and frequency 3910 MHz toward South Salem, N.Y., at its station located at Putnam Valley, 3.9 miles east of Cold Spring, N.Y.

4771-C1-P-69-American Telephone & Telegraph Co.; (KYS87); add 3870 MHz toward Putnam Valley, N.Y., and toward Stamford, Conn., at station located 1.4 miles southeast of South Salem, N.Y.

4772-C1-P-69-American Telephone & Telegraph Co.; (KYS88); add frequencies 3750 and 3830 MHz toward Roslyn Harbor and 3910 MHz toward South Salem, N.Y., at its station located at intersection of Catoona and Mayno Lane, Stamford, Conn.

4773-C1-P-69-American Telephone & Telegraph Co.; (KYS89); add frequencies 3710 and 3790 MHz toward Stamford and Suffolk, N.Y., at its station located 0.1 mile northeast of Roslyn, N.Y.

4774-C1-P-69-American Telephone & Telegraph Co.; (new); C.P. for a new fixed station. Frequencies: 3750 and 3830 MHz. Location: Suffolk, 1.9 miles east of Huntington, N.Y.

3171-C1-P-69-General Telephone Co. of California; (KZI131); renewal of Developmental station license expiring March 7, 1969. Term Mar. 1, 1969, to Mar. 1, 1970. Location: (8 units) operating in any temporary fixed location within the territory of the grantee.

4779-C1-P/L-69-General Telephone Co. of the Midwest; (new); C.P. and license for a new fixed station. Frequency band: 5925-6425 and 10,700-11,700 MHz (10 units) to operate at any temporary fixed location within the territory of the grantee.

4780-C1-P-69-Indiana Bell Telephone Co.; (KSP82); C.P. to add frequencies 6301.0, 10,715 and 10,795 MHz toward Woodville Junction, Ind., at its station located at 118 East Eighth Street, Michigan City, Ind.

4781-C1-P-69-Indiana Bell Telephone Co.; (KSP83); C.P. to add frequency 11,525 MHz toward Michigan City, Ind., at station located 2.5 miles northeast of Rolling Prairie, Ind.

4782-C1-P-69-Indiana Bell Telephone Co.; (KSP84); C.P. to add frequency 10,795 MHz toward Rolling Prairie, Ind., at station located 307 South Main Street, South Bend, Ind.

4813-C1-P-69-South Central Bell Telephone Co.; (KIA56); C.P. to change frequencies from 6234.3 and 6352.9 MHz to 6271.4 and 6390.0 MHz and replace transmitters at its station located B Street, Lafayette, Ala.

4814-C1-P-69-South Central Bell Telephone Co.; (KJG79); C.P. to change frequencies from 5952.6 and 6071.2 MHz to 5989.7 and 6108.3 MHz toward Lafayette, Ala., and replace transmitter for same at station located at Cherry Avenue, Opelika, Ala.

4815-C1-P-69-Illinois Bell Telephone Co.; (new); C.P. for a new fixed station. Frequency: 6037.5 MHz. Location: 8324 North Skokie Boulevard, Skokie, Ill.

Major Amendment

3275-C1-P-69-Illinois Bell Telephone Co.; (new); major amendment: Change operating frequency from 11,687.5 MHz to 6062.5 MHz, and add operating frequency 6087.5 MHz. All other particulars the same as reported in public notice dated Dec. 9, 1968.

3274-C1-P-69-Illinois Bell Telephone Co.; (new); change operating frequency from 11,662.5 MHz to 5987.5 MHz. All other particulars same as reported in public notice dated Dec. 9, 1968.

2823-C1-P-69-The Ohio Bell Telephone Co.; (KQM38); change frequency toward Youngstown from 6278.8 MHz to 6189.8 MHz.

2824-C1-P-69-The Ohio Bell Telephone Co.; (KQM39); change frequency toward Warren from 6026.7 MHz to 5937.8 MHz. All other particulars same as reported in public notice dated Nov. 18, 1968, Report No. 414 and Report No. 425, dated Feb. 3, 1969.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

- 4806-C1-P-69—Pacific Telatronics, Inc.; (KPQ91); C.P. to add frequencies 6189.8 and 6264.0 MHz directed toward Scott Mountain, Oreg., on azimuth 177°13', at its station located Blanton Heights, 3.5 miles south of Eugene, Oreg.
- 4807-C1-P-69—Pacific Telatronics, Inc.; (new); C.P. for a new station at Scott Mountain, 13 miles east of Sutherlin, Oreg., at lat. 43°22'20" N., long. 123°03'47" W. Frequencies 5937.8 and 5982.3 MHz on azimuth 247°07'. (Informative: Applicant proposes to provide educational TV signals of stations KOAC-TV and closed circuit classroom instruction originating at the University of Oregon in Eugene, Oreg., to Umpqua Community College in Roseburg, Oreg.)
- 4425-C1-ML-69—Western Microwave; (KPQ37); modification of license to change frequencies 6260, 6310, 6360, and 6410 MHz to frequency band 5925-6425 MHz and for authority to operate a total of (8 units) in any temporary fixed location within the territory of the grantee.

Correction: Major Amendment

- 2146-C1-P-69—Mountain Microwave Corp.; (KAQ88); this entry, shown in public notice dated Feb. 17, 1969, is hereby corrected to read as follows: Application amended to delete Rapid City (KRSD-TV), S. Dak., and Rapid City (Relay), S. Dak., as points of communication; and change the designation of the remaining point of communication from Rapid City (CATV Drop) to Rapid City (Drop-Relay). Station location: KAQ88, Mount Coolidge, 6 miles east-southeast of Custer, S. Dak. (NOTE: Service to KRSD-TV will be dropped at 1 mile west of Rapid City.)
- 2147-C1-P-69—Mountain Microwave Corp.; (new); this entry, shown in public notice dated Feb. 17, 1969, is hereby corrected to read as follows: Application amended to change frequencies 5945.2, 5974.8, and 6034.2 MHz to 6226.9, 6286.2, and 6345.5 MHz toward Terry Peak, S. Dak. Station location: 1 mile west of Rapid City, S. Dak.

[F.R. Doc. 69-2385; Filed, Feb. 26, 1969; 8:49 a.m.]

[Docket No. 18302]

REQUIREMENT FOR CAR LOCATOR SYSTEMS IN THE LAND MOBILE RADIO SERVICES

Order Extending Time for Filing Comments

In the matter of inquiry into the requirement for car locator systems in the land mobile radio services governed by Parts 89, 91, and 93 of the Commission's rules.

1. The Industrial Electronics Division of the Electronic Industries Association (EIA) has requested the Commission to extend the time for filing comments in the above-captioned matter (FCC 68-862, released Aug. 27, 1968) from February 28, 1969, to April 28, 1969.

2. In support of its request, EIA states that it needs the additional time for data acquisition in order to file a complete and meaningful response, and for proper coordination among the various sections of the Association.

3. It appears that the additional time requested by EIA would not unduly delay this proceeding and that its comments would be useful to the Commission in this inquiry.

4. In view of the foregoing, it is ordered, Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended from February 28, 1969, to April 28, 1969.

Adopted: February 18, 1969.

Released: February 20, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] J. E. BARR,
Chief, Safety and Special
Radio Services Bureau.

[F.R. Doc. 69-2388; Filed, Feb. 26, 1969;
8:49 a.m.]

[Docket No. 18294; FCC 69-149]

INTERNATIONAL TELECOMMUNICATION UNION

Fourth Notice of Inquiry Regarding World Administrative Radio Conference on Radio Astronomy and Space Services

1. The Commission adopted its second notice of inquiry in this proceeding on October 9, 1968, calling for responses thereto on or before November 13, 1968. Subsequently, in response to requests from interested parties, the time for filing comments was extended to November 29, 1968. On November 14, 1968, the Commission adopted its third notice of inquiry in this proceeding, indicating further developments in the preparatory work for the World Administrative Radio Conference (WARC) tentatively scheduled for late 1970 or early 1971. The proposals therein, developed in continued consultation with the Office of Telecommunications Management (OTM), included a number of suggested changes to the international Table of Frequency Allocations. It is the purpose of this fourth notice to make additional proposals with respect to the international table and related changes to pertinent Radio Regulations and to deal with comments filed in response to the second notice of inquiry. With two exceptions, responses to our third notice have not been treated herein. These exceptions are with respect to radio astronomy, which is given detailed treatment in paragraphs 50-71, and with respect to the broadcasting-satellite service, which is given limited treatment in paragraphs 45-49 on the basis of early comments on the subject. A subsequent notice dealing with responses to the third notice in general, will give detailed treatment to the latter exception and all comments pertinent thereto.

2. Comments in response to the Commission's second notice were filed by the following:

American Telephone and Telegraph Co. (AT&T).
RCA Global Communications, Inc. (RCA).
Radio Technical Commission for Marine Services (RTCM).
Electronic Industries Association's Microwave Communication Section (EIA).
EIA's Satellite Telecommunications Subdivision (EIA-SAT).
General Electric Co. (GE).
Communications Satellite Corporation (Comsat).
Aeronautical Radio, Inc. (ARINC).

3. Although offering additional comments, AT&T, RCA, RTCM, and ARINC were in general agreement with the Commission's proposals, as was Comsat—with certain qualifications. EIA directed its comments solely to the matter of additional frequency sharing for the communication-satellite service—a subject treated by the third notice of inquiry—and, as a consequence, was not responsive to the second notice. The comments of GE also were generally silent with respect to the second notice. EIA-SAT stated that it agreed in principle with the Commission's proposals and offered what it considered to be an alternative approach to the same objectives.

4. Of those who addressed themselves specifically to the matter, all agreed that the sharing criteria now specified in the Radio Regulations for space versus terrestrial systems should be updated to reflect, as a minimum, the criteria recommended by the Xith Plenary Assembly of the CCIR (Oslo, 1966). Additionally, RCA and RTCM noted the absence of sharing criteria with respect to conventional terrestrial systems and mobile systems using space radiocommunication techniques and recommended that such criteria be developed and made a part of the formal proposals of the United States to the WARC, including criteria applicable to frequency sharing below 1 GHz.

5. The matter of organizing Government-Industry committees to formulate the preliminary views of the United States was raised directly or by implication by four of the respondents. AT&T stated that it hoped to participate in the development of proposals; EIA stated that it and its engineering committees hoped to be called upon to develop suitable U.S. positions; ARINC suggested that the Commission recommend to the Department of State that an aeronautical preparatory working group be established and charged with the responsibility for preparing the aeronautical portion of the U.S. position—for inclusion in the preliminary views; and EIA-SAT recommended " * * * As a minimum action item * * * that the interim meetings of the CCIR [now scheduled for September-October 1969] be delayed at least by 3 months to permit more time for adequate preparation." EIA-SAT recommended further, " * * * at an early date:

—Consultations between Industry and Government;

—Establishment of a Government-Industry Committee and offers:

—To make more specific proposals and recommendations;

—To cooperate in the preparation for the ITU Radio Conference * * *

6. The Commission appreciates the above offers and expects that Government-Industry groups will be organized, in due course. However, as stated in the third notice of inquiry, in response to a similar suggestion from Columbia Broadcasting System, Inc. (CBS), it is believed that such action would be premature. On the basis of experience gained in preparing for past conferences of the ITU, particularly those dealing extensively with frequency allocation policy questions, the Commission and the Office of Telecommunications Management (OTM) share the view that such Government-Industry groups should not be established until the preliminary preparatory work is out of the way. In the meantime, we will continue to rely upon comments filed in this proceeding and the requirements developed by the OTM on behalf of the Executive Branch, in formulating recommendations for inclusion in the Preliminary Views of the United States and amendments thereto. Further, we will continue to press forward with the development of those preliminary views in the hope that they can be transmitted abroad early in 1969, to elicit the views and reactions of other administrations with respect to our planning.

7. Responses to the second notice of inquiry not covered fully in the general comments above are discussed in this and succeeding paragraphs. GE stressed three points: (1) Existing terrestrial systems will continue to expand and new ones will come into being and consideration must be given to each of those categories in planning for expanded spectrum allocations for space services; (2) They question the need for allocating broad bands to either space or terrestrial services and suggest that sharing be increased through improved sharing criteria; and (3) They question the need to suballocate frequencies above 17 GHz on a user basis at this time. These points tend to echo the views of certain other interested parties who filed in response to the initial notice of inquiry in this proceeding but they are not responsive to the second notice of inquiry. In any event, each of the three points was dealt with in the third notice of inquiry, adopted November 14, 1968, and will not be treated further in this document.

8. EIA-SAT agreed that better management tools were needed for the solution of space-to-space and earth-to-space frequency sharing problems of the future but viewed these problems as relatively local in nature—rather than truly international—as antenna directivity aboard spacecraft is improved. Concern was expressed over the time lag between the development of improved sharing criteria recommended by the CCIR and the appearance of those criteria in the International Radio Regulations. This lag occurs because Plenary Assemblies of the CCIR are held at regular 3-year

intervals whereas there is no set pattern for convening Administrative Radio Conferences empowered to amend the Radio Regulations to reflect the most current recommendations of the CCIR. For example, the last Space Conference was held in 1963 and we are now planning for one in 1970 or 1971—a gap of 7 or 8 years. EIA-SAT suggested that this deficiency be corrected by deleting numerical sharing criteria values from the Radio Regulations and specifying that sharing criteria shall be consistent with appropriate recommendations of the CCIR. Comsat commented similarly on this point. EIA-SAT proposed that stations meeting such criteria should be notified to the International Frequency Registration Board (IFRB) for official recording in the records of the ITU.

9. EIA-SAT recommended also that the Radio Regulations provide for the case where the sharing criteria are not met. In this case if the administrations concerned could reach agreement with respect to a specific station or service, the stations concerned—and the agreed criteria—would be notified to the IFRB and entered in the Master Register. Additionally, EIA-SAT urged adoption of the following: "Where existing CCIR recommendations do not provide the sharing criteria, and the needs of a service are pressing, the Radio Regulations should state that the sharing shall be according to criteria to be established or by mutual agreement of the administrations concerned: The future operation of the station shall be subject to review according to future standards of the CCIR, in cases where interference arises."

10. The Commission is sympathetic with the view that there should be maximum coordination between administrations with respect to the use of shared bands, whether or not specific sharing criteria have been established by the CCIR for the case in question and will make recommendations to that end. With respect to the views expressed in the preceding paragraph, however, it is not clear why the respondent would treat the two cases differently. In the first instance, it is assumed that the sharing criteria cannot be met but that administrations concerned reach agreement nonetheless. In the second instance, covered by the quoted comment, there are no sharing criteria but the administrations concerned reach agreement on a sharing arrangement. In either case, agreement is reached by administrations without particular reference to CCIR recommended sharing criteria.

11. EIA-SAT expressed concern about the possibility of developing coordinated preliminary views for transmittal abroad by February or March 1969, and also "about the reality of modifying the Preliminary Views once they have been coordinated and communicated outside the country." The respondent states further, " * * * According to information available to us, the urgent problems are those relating to Intelsat, and to Inter-Sputnik. Others, though important, are not at least so urgent. Therefore, we urge that the Commission, as well as the other

agencies involved, adopt a realistic schedule which allows more time to develop solutions to the total problem."

12. For the reasons set forth in paragraph 12 of its second notice of inquiry, the Commission continues to hold the view that the preliminary views must be transmitted abroad by March 1969, if they are to have maximum usefulness in consultations with other administrations. EIA-SAT's concern about "the reality of modifying the Preliminary Views" is not well founded. Such views have been circulated abroad in advance of several past conferences without inhibiting in any way national decisions to make changes in the formal proposals to the conference in question. For example, prior to the 1963 Space Conference, preliminary views were circulated abroad, followed several months later by a revised version entitled Draft Proposals. Changes were made in the latter before being forwarded to the ITU as formal proposals. The reference to Intelsat vis-a-vis Inter-Sputnik in the context of preparatory work for the Space WARC does not appear to be appropriate.

13. Comsat expressed agreement with the Commission's views with respect to interference between earth stations and terrestrial stations and with respect to interference between space stations and terrestrial stations. They did not agree with the Commission's views with respect to interference between space stations of different satellite systems, and between space stations of one satellite system and earth stations of another system. However, this disagreement appears to stem from a misunderstanding of the Commission's intention in this regard. Comsat is of the view that every effort should be made to coordinate with other administrations to resolve potential interference between space stations of different systems and between space stations of one system and earth stations of another system, prior to the notification of newly proposed stations to the IFRB. The Commission agrees with that view. Paragraph 7 of the second notice said, in part, we propose to " * * * establish procedures whereby the IFRB would make technical examination for the space services in much the same fashion as is done now for terrestrial services."

14. No. 505 of the Radio Regulations, which has to do with the procedures for examination of notices and the recording of frequency assignments in the Master Register for terrestrial services by the IFRB, states:

Where appropriate, the Board shall also examine the notice with respect to its conformity with a regional or service agreement. The procedure to be followed in connection with frequency assignments made pursuant to such an agreement shall be as specified in Nos. 501 and 502 or 503 except that the Board shall not consider the question of the probability of harmful interference among the parties to such agreement. Similarly, the Board shall not consider the probability of harmful interference to the assignments of any administration with which coordination has been effected.

It was the Commission's intention to propose extension of that concept to cover

the space services as well as terrestrial services so that an administration planning a new station or system would have the option of prior coordination or of going directly to the Board.

15. In furtherance of its proposal for increased and more detailed coordination, Comsat recommended that Resolution 1A of the 1963 Space Conference be replaced by a coordination procedure comparable to that now contained in Articles 9 and 9A. As visualized by Comsat, such a procedure would be applicable to the prior identification and resolution of potential interference problems between space stations of one system and earth stations of another system, and between space stations of different systems. It would permit direct coordination between administrations and would provide for the IFRB to be kept informed. If those seeking coordination were unable to reach complete agreement with all other administrations concerned, with respect to potential interference, the IFRB, upon request, thereafter (but prior to the launch) would conduct a technical examination to determine the probability of harmful interference and issue findings relating thereto. "As at present, however, successful coordination would not be a prerequisite to the commencement of operation by the station concerned."

16. The Commission is in general agreement with the procedure contemplated by Comsat but considers the last quoted sentence to be an oversimplification of the situation. If the sentence is intended to cover the case of an unfavorable finding by the Board, it is true that the administration receiving that finding may activate the station. If the unfavorable finding by the Board was based on existing fixed or mobile stations, the assignments for which are recorded in the Master Register, and if the "activated" station continues to operate for 120 days without complaint of harmful interference, the notification may be returned to the Board advising them of that operation and the assignment will be recorded in the Master Register with a notation relative to the conditions under which it was recorded. If harmful interference does occur as predicted, however, the "activated" station would be required to discontinue operation. This matter is complicated further by the terms of No. 639AE(2)a), as an example, which allows not only existing fixed and mobile stations to be taken into account in the coordination procedure, but also those which may be brought into use within 2 years. If the unfavorable finding by the Board had been based on probable interference to those "future" stations, the 120 days of interference-free operation referred to above would necessarily start with the first day the fixed or mobile stations in question were brought into use. Again, however, if harmful interference occurred, the "activated" station in the space service would be obliged to cease operation, in conformity with Article 48 of the ITU Convention (Montreux, 1965), to which the United States is a party.

17. In support of its coordination concept, Comsat stated, "... the existence of such international institutional mechanisms as INTELSAT (presently with 63 members), within and by which coordination could be carried out, suggests a further practical advantage to a coordination procedure, rather than the initial utilization of the IFRB." It may well be that "... the existence of ... INTELSAT ... suggests a further practical advantage to a coordination procedure ... but the degree to which it can be more than a suggestion is conjectural. Within the INTELSAT membership, once there is agreement to add another segment to the INTELSAT system, there should be little difficulty in effecting coordination among the members. This is not foreseen as a problem. In the case of space station to space station or earth station to space station, in different systems, however, INTELSAT as an entity would be in the position of dealing with some competing entity, if Comsat's argument were accepted. However, by its terms of reference, the IFRB is authorized to deal only with administrations. In practice, the Board will do no more than acknowledge receipt of correspondence from "non-administrations" and forward that correspondence on to the cognizant administrations for any action considered appropriate. Hence, it would appear that coordination would necessarily be conducted among administrations—or at least through administrations—if recognition by the Board was desired.

18. Comsat does not agree that technical examinations by the Board would tend to obviate the need for an international allotment plan for geostationary orbital positions. In this context, the Commission would agree with Comsat. However, that is not the context in which the proposal was presented. Comsat stated "... The reference by the Commission in paragraph 7 of the Notice of Inquiry to the use of a single parameter, 'desired-to-undesired signal ratio', for the purpose of conducting a technical examination, is an oversimplification. The relative interference is also a function of the type of modulation (and bandwidth) and the signal-to-thermal noise ratio. These in turn depend on earth station antenna size; power amplifier output and system noise temperature; satellite characteristics such as ERP, G/T, transponder gain, and antenna characteristics; channel capacity desired; and relative locations of countries among which communications are desired. Further, these are in turn dependent on system economics. All in all, the subject is complex and not amenable to solution by any simple formula."

19. The Commission is well aware of the factors which would be involved in a technical examination of competing systems. Quoting fully, the Commission said in the sentence in paragraph 7 referred to by Comsat, "Using this approach the IFRB could conduct an examination, based on the technical char-

acteristics of existing communication satellite systems already recorded in the Master Register and those of the newly notified system, to ensure that an agreed minimum desired-to-undesired signal ratio would be preserved at the receiver input of the existing system." Short of system economics, the parameters suggested by Comsat as necessary for a technical examination would be available to the Board in the case of the system already recorded and would be contained in the notification submitted for the new system. The quoted sentence, read in context with the ensuing paragraphs of the second notice of inquiry make it clear that the "agreed minimum desired-to-undesired signal ratio" will be influenced by the technical features of various competing systems.

20. Comsat stated further that "the Commission's concern about obviating the need for an international allotment plan is premature since there presently is no evidence indicating the need for such a plan." The Commission agrees that there is no convincing evidence indicating a need for such a plan, but it is aware that there are administrations who desire such an allotment plan. The argument presented by the Commission was to the point that so long as protection can be given to existing systems by antenna directivity, polarization, different modulation methods, etc., the necessary orbital spacing becomes a variable rather than a single predetermined figure applicable to all systems, which would be the case in an allotment plan.

21. Comsat set forth what it regards as essential elements of a coordination procedure, stating "... these elements, which are also applicable to earth station coordination, are presently not found in the Article 9A procedure applicable to earth stations, and accordingly it is recommended that such procedure be revised to incorporate them. These elements fall into the following general categories:"

(i) Provisions to assure that the coordination procedure is implemented promptly and does not permit possibilities for delay on the part of the administration with whom coordination is sought, whether for earth or space stations.

(ii) Provisions to assure prompt and appropriate disclosure by all administrations concerned of the facts relevant to the assessment and determination of the probability of interference, such as the proposed station's technical characteristics.

(iii) Provisions designed to specify more particularly the procedures to be followed by the administrations concerned in resolving a difference of opinion concerning potential interference problems.

(iv) Provisions designed to reflect the fact that the construction of earth stations and space stations is a long-term process, and that relevant data relating to the coordinating procedure becomes available at different times. This may

suggest a multistep coordination procedure in which the administration seeking coordination provides other administrations with specified information at certain intervals as that information becomes available. The procedure would have to be structured in such a way as to discourage the circulation by administrations, in the first stage of the coordination procedures, of theoretical plans for space stations for which there were no actual and specific programs for early implementation. Following this multistep coordination procedure would come notification to the IFRB. It would have to be made clear that a station's legal status or protection is not based solely on an attempt to coordinate but upon coordination and registration with the IFRB. Moreover, it is recommended that any registration for space stations which did not commence operations within a stated period should be canceled.

(v) In view of the enormous investment in satellite systems and the limitations of making adjustments in satellites after launch, it is essential that the nature and legal consequences of an unfavorable finding by the IFRB, particularly concerning the probability of harmful interference, be clearly spelled out in the Radio Regulations; it would be advisable to establish a procedure setting forth the steps which may then be taken to resolve the matter. In this respect, the statement on this point at the end of paragraph 7 of the second notice of inquiry needs clarification. Under the present regulations, for example, the issuance of an unfavorable finding for a new earth station does not mean that the operation of such station is barred, but only that certain adverse legal consequences follow if harmful interference subsequently is caused. While Comsat is cognizant of the practical difficulties involved in reaching international agreement on the relative priorities and legal status of recorded frequency assignments, we believe that an attempt must be made to define the legal status of stations in the space services.

22. Category (i) is provided for, in part, in existing regulations, insofar as earth stations are concerned. For example, No. 639AE states that an administration with which coordination is sought shall acknowledge receipt of the coordination within 30 days and shall promptly examine the matter * * * and shall, within a further period of 30 days notify the other administration of its agreement or disagreement. If in disagreement, it is required to send the administration seeking coordination a scale diagram showing its fixed or mobile stations within the coordination distance of the earth station concerned, together with all other relevant basic characteristics, and make such suggestions as it may be able to offer with a view to a satisfactory solution of the problem. Comsat did not specifically characterize this overall 60-day period as inordinately long, nor does the Commission consider it so. It may be feasible to reduce the acknowledgment period to perhaps 14 days but it would appear unrealistic to attempt to reduce

the second 30-day period. Comsat's concern about delays probably is directed more at No. 639AG and 639AI. The first provides, in one instance, that the administration seeking coordination may request the Board to attempt coordination if, after 90 days, it has received no reply from the administration with which coordination was sought. In this case, under the provisions of No. 639AI, the Board will dispatch a telegram to the nonreplying administration in an effort to effect coordination. If, within 60 days thereafter there is no reply to the Board's telegram, "it shall be deemed that the administration with which coordination was sought shall have undertaken that no complaint will be made in respect of any harmful interference which may be caused by the earth station to the services rendered by its stations in the fixed or the mobile service." If, on the 59th day, the previously nonreplying administration notified the Board that it could not agree, the matter could be stretched out further. This, however, is hypothetical and nothing approaching it has taken place, to the Commission's knowledge. It would appear reasonable, however, to reduce the 90-day period to coincide with the overall period under No. 639AE, and to reduce the IFRB's waiting period to 30 days.

23. Comsat's category (ii) would appear to be covered adequately by existing regulation No. 639AD, insofar as earth stations are concerned. Expansion of the concept would be necessary to cover other stations in the space services, and such recommendations will be made.

24. Category (iii) now is covered by implication only. The Commission agrees that the regulations should be modified to treat the subject explicitly.

25. Category (iv), to some degree, is inconsistent with (ii) in that (ii) calls for prompt and appropriate disclosure * * * of facts relevant * * * such as the station's technical characteristics. It is not clear from Comsat's suggestion how meaningful coordination could be initiated on a bit-by-bit basis. The concluding sentence of (iv) is covered already by Nos. 639CK and 639CL for both earth stations and space stations which are notified but not brought into regular operation.

26. Category (v) can be treated best by responding to Comsat's request for clarification of a statement at the end of paragraph 7 of the second notice, reading as follows: "Should that [technical] examination result in an unfavorable finding by the Board, it would be incumbent upon the notifying administration to take steps to ensure that harmful interference would not occur." An unfavorable finding by the Board indicates that, in the Board's judgment, operation of the notified station as proposed will result in harmful interference to a station or stations already recorded in the Master Register. Accordingly, the Board will not record that notification in the register at that time. The existing regulations are quite clear with respect to the options available to the notifying ad-

ministration at that point. It may modify its proposed operation and resubmit the modified notification to the Board for reexamination or it may undertake the risk of operating the station as previously notified. If, after a prescribed period of operation, the anticipated harmful interference does not occur, it may notify the Board of that fact, whereupon the Board will record the notification in the Master Register with an appropriate remark indicating the conditions under which the entry was recorded. An unfavorable finding by the Board clearly does not constitute a bar to operation by the station in question. It is merely a warning that interference is anticipated. A finding by the Board, whether favorable or unfavorable, in no way relieves a station operator of his responsibilities in the event his operations cause harmful interference to stations having an earlier date of registration and which are operating in conformity with their registration. It is his responsibility to take remedial action to resolve the harmful interference. It is that basic premise upon which the international Radio Regulations have proven so successful throughout their history.

27. In its category (v) Comsat has suggested that a procedure be established to resolve the matter of an unfavorable finding, particularly with respect to the probability of harmful interference. This is impractical since unfavorable findings are based invariably on the probability of harmful interference and there is no set pattern to the resolution of such cases. It is simply a matter of the newest station taking the initiative in adapting to the situation in the current environment and achieving compatibility with operations which have been registered. The Commission is not disposed to propose a change in that basic concept.

28. Comsat further points out the desirability of deleting from Appendix 1A the requirement that discrete frequencies be registered with the IFRB in the case of the communication-satellite service, inasmuch as space stations in that service act as broadband repeaters, occupying essentially the entire band available to them. They suggest that the characteristics of the space station—rather than the notification of discrete frequencies—would suffice. The Commission is in agreement with this concept and will make proposals consistent therewith.

29. Comsat notes also the lack of, and need for, procedures under which intra and inter service interference problems can be identified and resolved in those cases where mobile systems employing space techniques will be sharing bands with the more conventional terrestrial systems. The specific proposals set forth in the attachment hereto are intended to be responsive to the problems discussed above as well as to additional matters coming to the Commission's attention.

30. Thus far we have dealt essentially with matters involving the communication-satellite service and the application of space techniques in the mobile service. However, the conference will deal with a multiplicity of other services, the needs

of which have come to us in our consultation with the Office of Telecommunications Management and through other sources. The following paragraphs treat them on a service-by-service basis.

SPACE RESEARCH SERVICE

31. The Table of Frequency Allocations, as modified by the 1963 Space Conference, specifies that the use of any frequency band between 136 and 2300 MHz allocated to the space research service is designated for "Telemetry and tracking". These terms are defined internationally as follows:

84AW Space Telemetry—The use of telemetry for the transmission from a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft.

84AZ Space Tracking—Determination of the orbit, velocity or instantaneous position of an object in space by means of radiodetermination, excluding primary radar, for the purpose of following the movement of the object.

32. "Space telemetry" does not clearly include, as one example, the case of telemetry data transmissions from one space station to a second space station to an earth station. However, during the time frame for which we are planning, it is reasonable to assume that there will be manned orbiting laboratories or other space platforms for which such provisions should be made. Accordingly, in certain frequency bands specified in the attachment hereto we propose that the allocation table show "Space Research (Space-to-Earth)" in lieu of "Space Research (Telemetry and tracking)". Although the same end could be achieved by changing the definition of space telemetry to meet the special needs of the space research service, such a change is considered undesirable since, as now written, it is applicable to all of the remaining space services.

33. A similar problem presents itself with respect to the use of telecommand frequencies in the space research service. Some such frequencies are now being used in the sense of an "up-data link" rather than merely to perform a telecommand function. One such application involves the use of two-way coherent Doppler and ranging systems to determine with a high order of precision, the range, range-rate, and angular bearing of various spacecraft. In such systems, a signal is transmitted from earth on a telecommand frequency to a turn-around transponder on the spacecraft where it is coherently translated to and retransmitted on the telemetry frequency back to the earth station for comparison with the "up" signal. Space telecommand is defined internationally as follows:

84AY Space Telecommand—The use of radiocommunication for the transmission of signals to a space station to initiate, modify or terminate functions of the equipment on a space object, including the space station.

Accordingly, to ensure that this important function is covered adequately,

we propose that certain frequency bands be designated for "earth-to-space transmissions" rather than the more restricted "telecommand transmissions".

34. Attention is invited particularly to the attachment hereto wherein it is proposed to modify footnote No. 285A to accommodate additional telecommand requirements. The existing No. 285A reads as follows:

The frequencies 148.25 Mc/s \pm 15 kc/s and 154.2 Mc/s \pm 15 kc/s may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the table, which may be affected.

The frequency 154.2 MHz has not been implemented nationally for this purpose because of potential interference problems and the single frequency 148.25 Mc/s has been insufficient to accommodate all space telecommand requirements in this portion of the spectrum, because of the large number of space research vehicles in operation. As a consequence, on a case-by-case basis, national arrangements have been made to use additional nearby frequencies for this function. No change in the international regulations would be required to permit the continuation of that practice. However, the United States has a major interest in many space research installations around the world where it becomes necessary to use some of the additional telecommand frequencies. Since national laws vary from country to country, it has often been difficult to obtain local authority to use frequencies not specifically provided for in the international Table of Frequency Allocations. Consequently, to provide for increased flexibility, we propose that No. 285A be amended to read as follows:

Frequencies within the band 148-149.9 MHz may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the table, which may be affected.

35. Further, in examining the international Table of Frequency Allocations, one will find a number of frequency bands allocated exclusively to the space research service for space-to-earth transmissions in ITU Region 2 (the Americas) whereas in Regions 1 and 3 (the remainder of the world), the space research service shares these same bands with other radio services. Generally, these are bands in which the United States had a strong interest at the time of the 1963 Space Conference and wherein, collectively, the countries of Region 2 felt that exclusive allocations were required for the space research service. However, experience gained at various space research stations in other Regions in which the United States has an interest makes it clear that we need no longer press for exclusivity in all space research bands if reasonable sharing criteria are observed. The pattern of earth station locations in the space research service is now fairly well established and granting access to other services in the space research bands is not expected to have an inhibiting effect

upon the space research service. Further, having concluded that some sharing is feasible, the space research service may be permitted to expand into other bands for space-to-earth transmissions on a shared basis in those portions of the spectrum where it is now suffering congestion in its present exclusive bands. Both situations are dealt with in the frequency allocation proposals contained in the attachment hereto.

36. Our space research service now suffers constraints in one area which the existing Table of Frequency Allocations does not cater for and, as a result, some space research bands cannot be used to full advantage. Over the years the National Aeronautics and Space Administration (NASA) has developed a highly successful earth-space-earth system, referred to by NASA as its "Unified S-Band" or USB system. This system, designed to use the 2110-2120 MHz telecommand band in conjunction with the deep space band 2290-2300 MHz, relies on an "up" to "down" frequency ratio of 221/240. Certain proposals based on this ratio are treated in the attachment hereto.

METEOROLOGICAL-SATELLITE SERVICE

37. The meteorological-satellite service, as defined by the 1963 Space Conference, was a one-way service limited to space-to-earth transmission of data gathered by various types of sensors aboard satellites. Some meteorological satellites will continue to function in that manner. However, the terminology is not fully descriptive of advanced meteorological-satellite systems such as the Geostationary Operational Environmental Satellite (GOES) and the functions it is intended to perform. It is expected to operate in three separate pairs of frequency bands, performing a different function in each pair.

38. The 1963 Space Conference allocated the frequency band 401-402 MHz to the meteorological aids and space services on a primary basis and to the fixed and mobile (except aeronautical mobile) services on a secondary basis. Additionally, the frequency band 460-470 MHz was allocated to the fixed and mobile services on a primary basis and to the meteorological-satellite service on a secondary basis. In March 1966, NASA undertook an experimental program in which, with the concurrence of the Commission, interrogating signals were transmitted on 466 MHz from a single earth station to a satellite which relayed those signals in the band 401-402 MHz to remotely located sensor platforms. Those platforms then responded on 466 MHz for relay back through the satellite which transmitted downward in the band 401-402 MHz to the interrogating station, also called the command data acquisition (CDA) station. This experimental program was carried out successfully, without interference to the users of the band 460-470 MHz. Studies are continuing to determine the appropriate band in which to accommodate the up-link of an operational system following the experimental program described.

39. Also proposed for accommodation in the same pair of frequency bands is the Earth Resources Satellite (ERS) system which will operate in a manner comparable to GOES but the satellite will be at a lower altitude and in an inclined orbit. Each system will have a CDA transmitting in the appropriate up-band to its satellite which will translate the interrogating signals downward in the band 401-403 MHz to trigger the remote data sensor platforms. Again, the return path will be in the appropriate up-band from the platforms to the satellite and in the band 401-403 MHz from the satellite to the CDA. When fully implemented, it is expected that, worldwide, the platforms associated with GOES and ERS would total some 2,000. The "platforms" might be buoys, rain or river gauges, ships, balloons, remote land installations, etc.

40. The platforms are expected to be interrogated at about 6-hour intervals, the response from each would consist of 3-30 second data transmission, and their locations would be such that read-out by nonspace techniques would be impracticable. A total of four channels, each 300 kHz wide, is considered adequate to meet the combined needs of GOES and ERS. There would be a single CDA within the United States for ERS, at a site not yet determined. GOES would have one CDA at Wallops Island, Va., and perhaps a second at Fairbanks, Alaska. Collectively, therefore, the impact of these systems upon terrestrial systems should be insignificant. However, the susceptibility of the receiver aboard the satellite to interference from terrestrial systems is still being evaluated by NASA and this problem may ultimately be the determining factor in the later selection of a suitable "up-link" frequency band.

41. A second pair of bands proposed for GOES would involve two 5-megahertz bands each in the frequency bands 1670-1680 and 2025-2120 MHz. In this phase of the program, raw camera data would be transmitted from the satellite to the CDA in the band 1670-1680 MHz. The camera data would be semiprocessed at the CDA and retransmitted in the band 2025-2120 MHz to the satellite for relay to forecast centers, in the band 1670-1680 MHz. The band 2025-2120 MHz is allocated to non-Government services but again, there would be but one CDA, at Wallops Island, Va., and the impact upon non-Government users would be minimal. An international footnote is proposed in this case also, with the understanding, nationally, that appropriate limitations would be placed on the use of the band for space purposes.

42. Arrangements similar to the above have been proposed also for GOES in the 7 and 8 GHz band. In this phase, high resolution infrared sensor data and color camera data collected aboard the spacecraft would be transmitted from the satellite to the CDA, semiprocessed and retransmitted to the satellite for relaying to forecast centers. The details of the proposal are set forth in the attachment hereto.

43. A second proposal with respect to ERS concerns the frequency band 2550-2690 MHz wherein space-to-space and space-to-earth transmissions of earth sciences data would be accommodated. Again, only a single read-out station within the conterminous United States is proposed and footnote status, as opposed to an entry in the Table of Frequency Allocations, would appear adequate. A note along the following lines is suggested:

In the band 2550-2690 MHz, space-to-space and space-to-earth transmissions in the earth sciences satellite service may also be authorized.

Internationally, it is required that the power flux density at the surface of the earth from such an operation be consistent with the limitations set forth in Article 7. This would ensure that terrestrial systems operating in the band would not detect the presence of the space-to-space or space-to-earth transmissions. The associated earth station will necessarily be located in a low noise area and its function in this band will be to receive only. Therefore, the net effect of this operation upon terrestrial users of the band will be negligible.

BROADCASTING-SATELLITE SERVICE

44. The third notice of inquiry in this proceeding proposed adding a new footnote to those frequency bands between 470 and 806 MHz, which are allocated to the broadcasting service on a shared or exclusive basis, reading as follows:

No. ----- The broadcasting-satellite service may be authorized in this band for television broadcasting, subject to agreement among the administrations concerned and those having services operating in accordance with the table, which may be affected.

The upper limit of 806, rather than 890 MHz, was proposed because of the Commission's rule-making proceeding in Docket No. 18262 which contemplates the reallocation of the frequency band 806-890 MHz, among others, to the land mobile service rather than the broadcasting service.

45. The comment period for responses to the third notice was extended to January 17, 1969, and consequently all comments have not yet been analyzed. However, sufficient comments have been analyzed on this issue to warrant a statement of clarification prior to consideration of all comments filed in this proceeding. A number of those commenting pointed out that there was also an outstanding proceeding in Docket No. 18261 wherein it was proposed to permit, on a selective geographical basis, the use of the UHF-TV Channels 14-20 by the land mobile service and, as a consequence the frequency limits for the footnote should have been 512-806 rather than 470-806 MHz.

46. If the Space WARC for which we are preparing were empowered to make allocation changes other than for radio astronomy and the space services, it would be logical to extend our national proposals in Dockets 18261 and 18262 to the international table and consequently

limit our proposed footnote to the band 512-806 MHz. However, the Conference will have a limited agenda with no authority to allocate either 470-512 or 806-890 MHz to the land mobile service and no advantage would accrue to the United States by having applicability of the note limited to the band 512-806 MHz. Additionally, upon reflection, it would appear inappropriate to frame an ultimate international proposal upon national proceedings which are not yet decided. It would be particularly inappropriate in this instance since, if the Commission's proposals in Dockets 18261 and/or 18262 are ultimately adopted, our national usage would be in derogation of the international Table of Frequency Allocations. In the meantime, if our proposed footnote is adopted by the Space WARC, and neighboring countries wished to take advantage of it, agreement by the United States would naturally be tailored to protect existing U.S. services. If the United States wished to take advantage of it, appropriate rule-making proceedings would be initiated to determine whether such action would be in the public interest.

47. Experience has proved that tight administrative control can be maintained in cases like this. A country is expected to operate within the framework of the International Table of Frequency Allocations but need not take advantage of all alternatives offered by that Table. An excellent case in point is that of VHF-TV broadcasting allocations. Ever since the 1947 Atlantic City Administrative Radio Conference of the ITU, the VHF-TV bands have been allocated internationally to the broadcasting, fixed and mobile services on a coequal basis. Nonetheless, within the United States, those bands have been reserved exclusively for television broadcasting. This is but one of several such cases that could be cited.

48. The Commission has further reviewed the desirability of specifying specific bands within the band 470-890 MHz to be used for television broadcasting from satellites and now proposes to alter the proposed footnote on the basis of technical factors that affect the selection of frequency bands for satellite use. These factors involve considerations that are unrelated to either of the outstanding rule making proposals in Dockets Nos. 18261 and 18262. Considering propagation characteristics of frequencies between 470-890 MHz, the physical size of antennas and associated R.F. equipment that would be required for use at the upper end of the band, and the 10-year allocation of the band 606-614 MHz for radio astronomy we now propose to provide for television broadcasting from satellites in the band 614-890 MHz on a worldwide basis.

RADIO ASTRONOMY SERVICE

49. The Committee on Radio Frequency Requirements for Scientific Research of the National Academy of Sciences (NAS) has filed comments in response to the Commission's third notice of inquiry in this proceeding. However,

since they are said to represent " * * * the complete views of the radio astronomers concerning the frequency allocations for the Radio Astronomy Services * * * " they are being treated in this rather than a subsequent notice.

50. NAS stated that standards on out-of-band radiations are generally not consistent with the present state-of-the-art. Adjacent channel interference from television transmitters has been particularly detrimental in the case of the radio astronomy bands 73.0-74.6 and 608-614 MHz in the United States. These examples were said to be typical of the experiences of radio astronomy with spurious emissions from transmitters. NAS urged that more stringent standards be adopted to protect more adequately the radio astronomy bands from out-of-band and harmonic interference and so to permit the complete utilization of the radio astronomy bands.

51. In the Commission's view, the matter of technical standards for services other than the radio astronomy and space services is beyond the scope of this proceeding and also beyond the range of subjects with which the Space WARC would be empowered to deal. The problems referred to by NAS would appear susceptible to resolution on a national basis at some time in the future in a more appropriate proceeding.

52. The remaining NAS comments review the various bands available to the radio astronomy service in the international table and make recommendations with respect to them as well as with respect to bands above 40 GHz, with respect to frequencies for use above the ionosphere, and with respect to frequencies for use on the far side of the moon.

53. NAS considered present accommodations in the HF spectrum to be unsatisfactory, i.e., use of the guard bands associated with standard frequency transmissions. Out-of-band radiation from transmitters on adjacent frequencies was said to render the guard bands essentially useless for radio astronomy. NAS recommended that a 20 kHz band, in the range 12-19 MHz, be allocated exclusively to radio astronomy and, if that can be accomplished, that all mention of radio astronomy in the standard frequency guard bands be deleted. A proposal will be found in the attachment hereto.

54. The band 37.75-38.25 MHz was said to be useful for radio astronomy and that it was being used for observations in many parts of the world. NAS recommended that the present U.S. provision in this band, 38-38.16 MHz, be modified and proposed on an exclusive worldwide basis for radio astronomy. A proposal is included in the attachment. The eventual goal of NAS is stated to be worldwide exclusivity for the radio astronomy service throughout the entire band 37.75-38.25 MHz.

55. NAS recognized that the band 73-80.25 MHz cannot be obtained on a worldwide basis for radio astronomy and stated that regional allocations in this band are useful. They recommended

that the Region 2 allocation, 73.0-74.6 be retained and no change is proposed.

56. The frequency band 150.05-153 MHz is allocated to the radio astronomy service on a shared basis in Region 1 but no provision is made for that service in Regions 2 and 3. NAS stated that this part of the spectrum is critical to radio astronomy, that protection should be continued in the areas where it now exists, and that earnest efforts should be continued to provide some measure of protection in Region 2 in this general part of the spectrum. Because of the extreme congestion in the band in question, it is most unlikely that the aims of radio astronomy can be achieved in this portion of the spectrum within the next decade.

57. In theory, spectral lines associated with deuterium occur in the frequency range 322-329 MHz, however, they have not been detected in nature and NAS did not, at this time, press for radio astronomy protection in that band. No change is proposed.

58. Footnote No. 317 to the table reads as follows:

The band 404-410 Mc/s in Region 2 and the band 406-410 Mc/s in Regions 1 and 3 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

Implementation of this note within the United States allocated the frequency band 404-406 MHz to the meteorological aids service on a primary basis and to the radio astronomy service on a secondary basis. In most other parts of the world, however, radio astronomy has access to the frequency band 406-410 MHz. Following a series of meetings between representatives of the radio astronomy community and the Office of Telecommunications Management (since the band 406-420 MHz is allocated nationally for use by Government services), the OTM proposed to the NAS a new national arrangement whereby:

(1) The current U.S. allocation to radio astronomy at 404-406 MHz would be deleted;

(2) The U.S. allocations in the band 406-410 MHz would be changed to include the fixed, mobile, and radio astronomy services, in accordance with the following:

(a) All new assignments in the 406-410 MHz band to stations in the fixed and mobile services would be limited to 7 watts per kHz of authorized bandwidth; existing assignments with higher powers would be permitted to continue;

(b) Provisions would be made for geographical protection, to the extent practicable, from terrestrial stations other than mobile stations in the band 406-410 MHz, to radio astronomy observatories at certain locations to be mutually agreed between the Director of Telecommunications Management and the radio astronomy community; and

(c) The foregoing would be reviewed in connection with the U.S. implementation of the Final Acts of the forthcoming Space WARC, and

(3) The United States would propose to the Space WARC improved provisions for the radio astronomy service in the band 406-410 MHz, on a worldwide basis.

NAS concurred in the OTM proposal and noted that its long term goal is a worldwide exclusive allocation of the band 406-410 MHz to the radio astronomy service.

59. NAS considered the status of the band 608-614 MHz¹ to be satisfactory within the United States except for the problem of adjacent channel interference from television transmitters. They stated that some important U.S. observatories are unable to use this band for any observations because of nearby transmitters on Channels 36 and 38 and urged that the status of the band be upgraded on a worldwide basis, however, no change is proposed with respect to this band.

60. The allocation of 1400-1427 MHz was stated to be most satisfactory and it was recommended that it be continued.

61. NAS stated the following with respect to the frequency band 1660-1670 MHz:

The outstanding astronomical importance of this band, covering the OH lines at 1665 and 1667 MHz, has been proved. Observations of these two lines, along with the weaker satellite lines at 1612 and 1720 MHz, have provided dramatic information that could not have been predicted when the lines were first discovered. The four lines appear in different combinations from various portions of the sky. Although this puzzling phenomenon is not yet understood, it certainly holds a unique key to our understanding of the physical conditions prevailing in the corresponding regions of the universe. The band 1660-1670 MHz is wide enough to permit observation of the two strong lines even when they originate from such great distances that the Doppler shift is substantial.

We request that this band be assigned exclusively to radio astronomy on a worldwide basis.

1611.75-1612.75 and 1720-1721 MHz. It is the considered opinion of astronomers actively engaged in their study that the satellite lines near 1612 and 1720 MHz are equally as important as the main OH lines, though they are so weak that less allowance needs to be made for Doppler shift. The bands 1611.75-1612.75 and 1720-1721 MHz are required for their observation. While we are not prepared to request worldwide exclusive allocation of these bands to radio astronomy, such a request is under consideration by radio astronomers. We urge that the United States remain receptive to any proposals that would permit continuation of observations in these bands, particularly to avoid the assignment to airborne or spaceborne transmitters of frequencies in or adjacent to these narrow bands.

Our proposals do accommodate radio astronomy in the band 1660-1670 MHz. However, the frequencies 1611.75 and 1612.75 MHz fall within the band 1540-1660 MHz, which is currently allocated

¹ UHF-TV Channel 37 was allocated to radio astronomy for a 10-year period ending January 1, 1974.

on an exclusive basis to the aeronautical radionavigation service. Both frequencies are within the portion of the band currently being considered for use by an aeronautical collision avoidance system. For that reason, our proposals do not contemplate protection of the frequencies 1611.75 and 1612.75 MHz for radio astronomy. Further, present fixed and mobile service requirements preclude protection of radio astronomy at 1720-1721 MHz.

62. The band 2690-2700 MHz was said to be heavily used for radio astronomy in the United States and elsewhere and that the status of the band was satisfactory except that, in common with most radio astronomy bands, it was too narrow. It was reported that there is an excited hydrogen emission line at 2702.8 MHz and a helium line at 2703.9 MHz and that it would be appropriate to increase the width of this band so as to include those lines. To be consistent with the general requirements for 1 percent bandwidth in each octave of the spectrum, NAS recommended that this band be widened to 2690-2710 MHz. Such a change does not appear feasible however, inasmuch as the frequency band 2700-2900 MHz, allocated on a primary basis to the aeronautical radionavigation service, has been heavily congested for many years.

63. The band 4990-5000 MHz was stated to be in the same category as the band 2690-2700 MHz and since there are useful spectral lines at 5008.9 and 5010.9 MHz, NAS stated that an appropriate band would be 4990-5015 MHz. In this instance, expansion upward as proposed would reduce by 15 MHz the already relatively narrow band 5000-5250 MHz now allocated to the aeronautical radionavigation service with footnotes 352A and 352B providing for the use of space techniques for radionavigation and communications purposes. Since we are uncertain as to what might develop in the band 5000-5250 MHz and, therefore, of the amount of spectrum space that might be required for such a development, no change is proposed. Pending such development, however, radio astronomy observations may be conducted in the band with little danger of interference, even without a specific allocation.

64. With respect to the frequency band 10.68-10.70 GHz, NAS stated that the band is too narrow and that all present users actually observe in considerably wider bands in the vicinity of this allocation. NAS proposed, therefore, that radio astronomy retain its present allocation in this band and be granted secondary status in the two bands 10.66-10.68 and 10.70-10.72 GHz. The Commission sees no merit in proposing internationally that secondary status be afforded as proposed unless it foresees some possibility of improving on that status in the future. In this case, the relatively narrow band 10.55-10.68 MHz is allocated nationally to the non-Government mobile service whereas, on the high side 10.7-11.7 MHz is allocated to a well-established non-

Government common carrier service. Since astronomers are free to observe anywhere in the spectrum, and have used bandwidths wider than 10.68-10.70 MHz without interference, no particular advantage—other than a foot in the door—would accrue to them from a secondary allocation. Accordingly, the Commission is not disposed to comply with NAS's request.

65. NAS stated the opinion that the frequency band 15.35-15.4 GHz now allocated to radio astronomy should be three times as wide as at present. However, for the reasons stated in paragraph 4 of the third notice of inquiry, the Commission can offer no relief for radio astronomy with respect to this band.

66. In connection with the Commission's proposal to delete the allocation of 19.3-19.4 GHz to the radio astronomy service, NAS stated the following:

Yielding to the pressure to make way for space communications in this band we propose that the band 23.5-24.0 GHz be assigned on a worldwide basis exclusive to radio astronomy and that the band 23.0-23.5 GHz be given secondary status for radio astronomy; but that this latter band not be used by transmitters on aircraft or space vehicles. Spectral lines of ammonia on the frequencies 23.098, 23.69, 23.72, and 23.87 GHz have been detected in the Milky Way, making this an important band for radio astronomy.

67. NAS recommended that the present allocation to radio astronomy at 31.3-31.5 GHz be shifted higher in the spectrum to get closer into the window at 33-34 GHz and to move away from the satellite down-link frequency. It is assumed that the "satellite down-link frequency" referred to is 31.5-31.8 GHz which is allocated to space research. There is no "down-only" limitation on the use of that band and thus far, the only planned use is in the up direction as indicated in the third notice of inquiry, paragraph 24, in conjunction with the down transmission at 15.25-15.35 GHz in the NASA experiments with ATS-E, -F, and -G satellites. Further, as pointed out in that same paragraph 24, present investments in the band 31.8-33.4 GHz exceed \$50 million and existing and programed equipments will exceed \$80 million by 1972. Many millions have been invested and programed also in the bands immediately above 33.4 GHz so that a shift as requested does not appear practicable.

68. With respect to frequencies above 40 GHz, NAS recommended that 88-93 GHz, 132-138 GHz and 220-240 GHz be allocated exclusively to radio astronomy on a worldwide basis. NAS noted that the present U.S. allocation, 88-90 GHz, is a step in the right direction but is too narrow. That allocation, 88-90 GHz, was made nationally at the earlier request of the radio astronomers, and it is consistent with the Report 223-1 of the CCIR, adopted unanimously by the XIth Plenary Assembly, Oslo, 1966. Further, it represents more than 2 percent

of the octave. However, even though there are other claimants for a portion of the same window, we are disposed to recommend a partial grant of respondent's request, and propose 88-92 GHz for radio astronomy internationally. Further, we would prefer to limit radio astronomy to 130-136 and 230-236 GHz, rather than 132-138 and 220-240 GHz as requested.

69. NAS stated that since the region above the ionosphere is effectively isolated from ground-based transmitters with frequencies below the critical frequency, they recommend consideration of a separate table between 100 kHz and 10 MHz with radio astronomy bands, having a bandwidth of at least 1 percent, in each octave of this table. There is a lack of demonstrated need as well as a lack of supporting CCIR data on this subject. Consequently, no proposal is being made in support of this recommendation.

70. Since it is possible in the future that the far side of the moon might be a haven for scientific research, NAS stated it can foresee the need to protect up to 25 percent of the radio spectrum. In this instance, there is no demonstrated need, nor has NAS made a specific proposal. Accordingly, we are not prepared to set forth a proposal in this regard.

71. Specific proposals will be found in the attachment hereto^{*} which, for convenience, recapitulates all proposals of the Government and non-Government developed thus far as they would affect the International Radio Regulations. It is expected that additional notices will be issued in this proceeding as the conference preparatory work progresses and it is hoped that the next notice will constitute our overall recommendations for the Preliminary Views of the United States.

72. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties responding to this inquiry shall furnish comments on or before March 19, 1969. The urgency attached to this matter from a national point of view makes it necessary that every effort be made to submit comments by the date set forth herein.

73. In accordance with § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments filed shall be furnished the Commission.

Adopted: February 19, 1969.

Released: February 26, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,^{*}

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 69-2386; Filed, Feb. 26, 1969;
8:49 a.m.]

^{*} Filed as part of the original document.

^{*} Commissioner Bartley abstaining from voting. Commissioner Johnson dissenting.

[Mexican List 252]

MEXICAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignment

JANUARY 16, 1969.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
XEQW (in operation with 2000 W-D 200 W N, N.D., since 12-17-68).	Merida, Yuc.	650 kilocycles 2000 D/200 N	ND	U	III	12-17-68.
XFEJB (correction of an omission: In operation since 11-30-68, increase in nighttime power).	Monterrey, N.L.	670 kilocycles 3000 D/250 N	ND	U	III	12-17-68.
XFOA (correction of an omission: In operation since 6-9-68).	Oaxaca, Oax.	670 kilocycles 3000 D/250 N	ND	U	III	6-9-68.
XEDZ (correction of an omission: In operation since 3-1-68).	Cordoba, Ver.	680 kilocycles 1000 D/450 N	ND	U	III	3-1-68.
XEHP (correction of an omission: In operation since 3-28-68).	Cd. Victoria, Tama.	680 kilocycles 1000 D/100 N	ND	U	III	3-28-68.
XEGM (PO: 200 W, ND, U).	Tijuana, B.C.	680 kilocycles 10,000 D/5000 N	DA-2	U	III	9-12-68 (Probable).
XEYJ (in operation with 1000 D/100 N, since 12-17-68).	Nuestra Rosita, Coah.	680 kilocycles 1000 D/100 N	ND	U	III	12-17-68.
XEMR (temporary operation with 10,000 W, ND, D, since 12-17-68).	Monterrey, N.L.	1187 kilocycles 50,000	DA-N	U	I-B	
XEMR (in operation with 1000 D/500 N, DA-N since 12-17-68).	Mexicali, B.C.	1187 kilocycles 1000 D/500 N	DA-N	U	III	12-17-68.
XEES (this cancels the notification to increase power included in List No. 235, P.O. 300 W, ND, D).	Coahuila, Ver.	1175 kilocycles 800 D/450 N	ND	U	II	
XELM (correction of an omission: In operation since 11-30-68).	Tuxtla Gutierrez, Chis.	1210 kilocycles 1000 D/250 N	ND	U	IV	11-30-68.
XESW (correction of an omission: In operation since 1-13-68).	Cd. Madero, Chih.	1300 kilocycles 1000	ND	D	III	1-13-68.
XERU (in operation with 1000 D/250 N, ND, U, since 12-28-68).	Chihuahua, Chih.	1510 kilocycles 1000 D/250 N	ND	U	III	12-28-68.

Call letters	Location	Power watts	Antenna	Schedule	Class	Expected date of commencement of operation
XEUH (correction of an omission: In operation since 4-24-68).	Tuxtepec, Oax.	1225 kilocycles 1000 D/100 N	ND	U	III	4-24-68.
XEPS (in operation since 11-30-68).	Empalme, Son.	1100 kilocycles 500 D/250 N	ND	U	IV	11-30-68.
XETI (correction of an omission: In operation since 11-15-68).	Temposal, Ver.	1150 kilocycles 500	ND	D	III	11-15-68.
XEOX (in operation with 200 W-D/100 W-N, since 12-7-68. Change in daytime class, previously Class IV).	San Luis de la Paz, Gto.	1150 kilocycles 500 D/100 N	ND	U	III	12-7-68.
XEMK (correction of an omission: In operation since 6-19-68).	Huamila, Chis.	1150 kilocycles 500 D/250 N	ND	U	IV	6-19-68.
XESK (new).	Buiz, Nayar.	1150 kilocycles 250 D/250 N	ND	U	IV	1-30-69 (Probable).
XESK (assignment deleted).	San Blas, Nayar.	1150 kilocycles 500 D/250 N	ND	U	IV	
XEXE (correction of an omission: In operation since 9-21-68).	Quetzaro, Qro.	1190 kilocycles 1000 D/200 N	ND	U	IV	9-21-68.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau.

[P.R. Doc. 69-2387; Filed, Feb. 26, 1969; 8:49 a.m.]

FEDERAL MARITIME COMMISSION
A. P. MOLLER-MAERSK LINE AND KA-
WASAKI KISEN KAISHA, LTD.Notice of Agreement Filed for
Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a

request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. A. A. de Gijlo, Manager, K Line New York, Inc., Conference Department, 29 Broadway, New York, N.Y. 10006.
Agreement No. 9533-2, between A. P. Moller-Maersk Line and Kawasaki Kisen Kaisha, Ltd., modifies Article 5 of the basic agreement which presently provides that transshipment expenses will be absorbed 50 percent by each carrier to provide that the maximum to be absorbed

by the delivering carrier is \$2 per 2,000 pounds or 40 cubic feet.

Dated: February 24, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2393; Filed, Feb. 26, 1969;
8:50 a.m.]

ENCINAL TERMINALS AND PACIFIC FAR EAST LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert Fremlin, Lillick, McHose, Wheat, Adams and Charles, Attorneys at Law, 311 California Street, San Francisco, Calif. 94104.

Agreement No. T-2269 between Encinal Terminals (Encinal) and Pacific Far East Line, Inc. (PFEL) is a lease agreement covering premises referred to as Container Yard No. 1, including a nonexclusive right-of-way to and from the premises over Berth 5 of Encinal's adjacent marine terminal facilities (Terminal). Subject to termination provisions, the lease will continue until December 31, 1970, and PFEL has the right to extend the term of the lease for a period not to exceed 1 year. PFEL will use the premises for receiving, assembling, and distributing containers in the Guam Trade and for uses incidental thereto. As compensation PFEL will pay Encinal full wharfage and dockage charges for containers and noncontainer cargo loaded or discharged by PFEL at the Terminal, subject to a minimum payment of \$172,000 per year. If during any calendar year tariff charges reach and exceed this figure, the agreement provides for a division of revenues pursuant to a schedule contained therein. If PFEL exercises its right of early termination, or should the lease

be in effect for less than the entire calendar year of 1969, the compensation payable will be adjusted accordingly.

Dated: February 20, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2339; Filed, Feb. 26, 1969;
8:45 a.m.]

NIPPON YUSEN KAISHA ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Willis R. Deming, Esq., Vice President, Secretary, and General Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Agreement No. 9779, a Container Space Agreement between Nippon Yusen Kaisha, Showa Shipping Co., Ltd., and Matson Navigation Co., has been filed with the Commission for approval. The subject agreement covers the use of container space on container vessels operated by the parties on the route between Japan and California. The parties essentially have (1) agreed to schedule and advertise their sailings so as to provide an approximate weekly service, (2) reached an understanding as to the handling and carriage of each other's empty and loaded containers on the container vessels of the other parties, (3) agreed to issue their own separate bills of lading, and (4) agreed that there are to be no pooling of cargo revenues or expenses.

Dated: February 24, 1969.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 69-2394; Filed, Feb. 26, 1969;
8:50 a.m.]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Authorization for System Foreign Currency Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below paragraph 2 of the Committee's Authorization for System Foreign Currency Operations. The amendment was adopted by vote of all available members (a majority) on November 23, 1968, effective that date, and ratified by action of the Committee at its meeting on November 26, 1968.

2. The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under section 214.5 of Regulation N, relations with foreign banks and bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	100
National Bank of Belgium	225
Bank of Canada	1,000
National Bank of Denmark	100
Bank of England	2,000
Bank of France	1,000
German Federal Bank	1,000
Bank of Italy	1,000
Bank of Japan	1,000
Bank of Mexico	130
Netherlands Bank	400
Bank of Norway	100
Bank of Sweden	250
Swiss National Bank	600
Bank for International Settlements:	
System drawings in Swiss francs	600
System drawings in authorized European currencies other than Swiss francs	1,000

(NOTE: For paragraph 1 of the authorization, see 33 F.R. 3665 (except for paragraph 1B(3), which appears at 33 F.R. 12344, and for paragraph 1C(1), which appears at 33 F.R. 15464); for paragraph 3, see 33 F.R. 8470; and for paragraphs 4 through 10, see 32 F.R. 9583.)

Dated at Washington, D.C., the 19th day of February 1969.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 69-2340; Filed, Feb. 26, 1969;
8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's

Current Economic Policy Directives issued at its meetings held on November 26, 1968, and on December 17, 1968.¹

November 26, 1968. The information reviewed at this meeting suggests that the expansion in overall economic activity, while still strong, is moderating somewhat further from its very rapid pace earlier in the year. Upward pressures on prices and costs are persisting. Most market interest rates have risen further in recent weeks. Bank credit has continued to expand rapidly. Growth in the money supply has accelerated from the low average rate of recent months, while expansion in commercial bank time and savings deposits has slowed. Savings inflows to thrift institutions increased somewhat further in October but remained moderate. Following discussions among leading industrial countries, France, Germany, and Britain have acted to combat the recent speculation in their currencies by taking steps designed to reduce imbalances in their external payments. The U.S. foreign trade balance and overall balance of payments improved in the third quarter but partial data for recent weeks suggest that the improvement is not being sustained, and the underlying U.S. payments position remains a serious problem. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable economic growth, continued resistance to inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining about the prevailing conditions in money and short-term credit markets: *Provided, however,* That operations shall be modified if bank credit expansion appears to be exceeding current projections.

December 17, 1968. The information reviewed at this meeting suggests that overall economic activity is expanding rapidly and that upward pressures on prices and costs are persisting. Market interest rates have risen considerably further in recent weeks. Bank credit growth has been sustained by continuing strong expansion of time and savings deposits, while growth in the money supply has accelerated and U.S. Government deposits have declined. The U.S. foreign trade surplus remains very small and the overall balance of payments apparently worsened in October and November. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the reduction of inflationary pressures, with a view to encouraging a more sustainable rate of economic growth and attaining reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to attaining firmer conditions in money and short-term credit markets, taking account of the effects of other possible monetary policy action: *Provided, however,* That operations shall be modified if bank credit expansion appears to be deviating significantly from current projections.

Dated at Washington, D.C., the 19th day of February 1969.

¹ The Record of Policy Actions of the Committee for the meetings of Nov. 26, 1968, and of Dec. 17, 1968, are filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 69-2341; Filed, Feb. 26, 1969;
8:45 a.m.]

BANKERS TRUST NEW YORK CORP. Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), by Bankers Trust New York Corp., which is a bank holding company located in New York, N.Y., for the prior approval of the Board of the acquisition by Applicant of 100 percent (less directors' qualifying shares) of the voting shares of Peoples Bank of Long Island, National Association, Patchogue, N.Y., a proposed new bank into which will be merged The Peoples National Bank of Long Island, Patchogue, N.Y.

Section 3(c) of the Act provides that the Board shall not approve (1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of New York.

Dated at Washington, D.C., this 19th day of February 1969.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 69-2342; Filed, Feb. 26, 1969;
8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYEES OF C. L. LUTHER L., AND GENE GEORGE

Proceedings To Determine Reasonable Cost of Housing and Other Facilities Furnished; Hearing

Pursuant to authority in section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), Order No. 19-67 of the Secretary of Labor (32 F.R. 12980), and 29 CFR 531.4, the Acting Administrator of the Wage and Hour and Public Contracts Divisions on his own motion proposes to determine the "reasonable cost" to C. L. George, Luther L. George, and Gene George of Springdale, Ark., of furnishing their employees with housing and other facilities which they customarily furnish their employees. Interested persons may submit written data, views, or argument pertinent to this question by mail to Mr. Sterling B. Williams, Regional Director Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1931 South Ninth Avenue, Birmingham, Ala. 35205, not later than April 17, 1969.

Opportunity will be provided for interested persons to make oral presentation of data, views, or arguments before E. West Parkinson, a hearing examiner appointed under 5 U.S.C. 3105 in the circuit court room, Washington County Courthouse, Fayetteville, Ark., at 10 a.m., April 21, 1969.

Notice of intention to appear should be filed with Mr. Sterling B. Williams, Regional Director, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1931 South Ninth Avenue, Birmingham, Ala. 35205, not later than April 17, 1969.

All those making oral presentations shall be subject to cross examination by counsel for C. L. George, Luther L. George, and Gene George and counsel for the Government. The hearing examiner shall govern the course of the proceeding, hold presentations to relevant matters, govern the content of the record, have disciplinary power to exclude persons from the room where oral presentations are made, and require that the proceedings be stenographically reported and that transcripts be made available to persons participating on payment of fees therefor. The hearing examiner shall certify the record together with his recommended findings to the Administrator for consideration of all relevant matters presented and resolution of the issues.

Upon the publication of this notice C. L. George, Luther L. George, and Gene George shall notify their employees of the place, date, and purpose of the hearing hereby announced by posting copies of this notice in conspicuous places on their premises.

Signed at Washington, D.C., this 20th day of February 1969.

BEN P. ROBERTSON,
Acting Administrator.

[F.R. Doc. 69-2362; Filed, Feb. 26, 1969;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1272]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

FEBRUARY 20, 1969.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the *FEDERAL REGISTER* issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the Rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other

procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the *FEDERAL REGISTER* issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 249), filed January 31, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrolatum*, in bulk, in tank vehicles, from Port Arthur, Tex., to points in Tennessee. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to a local service if warranted. Common control may be involved. If a hearing is deemed necessary, applicant does not specify location.

No. MC 1756 (Sub-No. 14), filed February 3, 1969. Applicant: PEOPLE EXPRESS CO., a corporation, 497 Raymond Boulevard, Newark, N.J. 07105. Applicant's representative: Bert Collins and Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*, empty, not to exceed 1 gallon in capacity in automated trailers, (a) between Passaic and Paterson, N.J., on the one hand, and, on the other, Bridgeport and Milford, Conn.; (b) between New York, N.Y., on the one hand, and, on the other, plant and warehouse sites of Continental Can Co., at Menands, N.Y.; (2) *empty containers*, between Danbury, Conn., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland and the District of Columbia; (3) *containers*, between Paterson, N.J., and South Norwalk, Conn.; and (4) *glass bottles*, from Millville, N.J., to the facilities of the F. & M. Schaefer Brewing Co., Albany and Brooklyn, N.Y. NOTE: Applicant states it presently has pending applications in MC 1756 Subs 7, 10, and 11, which duplicate the authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn., or Chicago, Ill.

No. MC 5326 (Sub-No. 10), filed February 4, 1969. Applicant: WILSON B. DILL, CARL M. DILL, SR., AND ARTHUR B. DILL, a partnership, doing business as DILL BROS. COMPANY,

Galena, Md. 21635. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from Wilmington, Del., to points in New Jersey north of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Newark, N.J., excluding Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 7555 (Sub-No. 60), filed January 30, 1969. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 7, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned citrus juice* when transported at the same time in the same vehicle with fresh citrus fruits, in containers, and fresh fruit sections and salads (not frozen), in containers, from the plant-site of facilities of the Plymouth Citrus Products Cooperative at Plymouth, Fla., to points in Indiana, Michigan, and Ohio (except Youngstown, Ohio), and (2) *fresh citrus fruits*, in containers, and fresh fruit sections and salads (not frozen), in containers, when transported at the same time and in the same vehicle with canned citrus juice as described above, from points in Alachua, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indiana River, Lake, Lee, Levy, Manatee, Marion, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Saint Johns, Saint Lucie, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., to points in Indiana, Michigan, and Ohio (except Youngstown, Ohio). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 235), filed February 3, 1969. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G. Naidow (same address as above) and A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Pemberville, Ohio, as an off-route point in connection with applicant's regular route operations to and from Toledo, Ohio, as authorized in MC 10761 Sheets 2 and 9. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Toledo, Ohio.

No. MC 10761 (Sub-No. 236), filed February 2, 1969. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit,

¹ Copies of Special Rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Mich. 48209. Applicant's representatives: L. G. Naldow (same address as above) and A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of Republic Powdered Metals, Inc., in Brunswick, Gills Township, Medina County, Ohio, as an off-route point to and from applicant's authorized authority to serve Cleveland, Ohio, as shown in MC-10761 Sheet No. 7. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 10761 (Sub-No. 237), filed February 3, 1969. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G. Naldow (same address as applicant) and A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Whitehouse, Ohio, as an off-route point in connection with applicant's authorized regular route authority. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Toledo, Ohio.

No. MC 13806 (Sub-No. 34), filed February 3, 1969. Applicant: VIRGINIA HAULING COMPANY, a corporation, Post Office Box 9525, Richmond, Va. 23228. Applicant's representative: Daniel B. Johnson, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85, and (2) *Materials, equipments, and supplies* used in the manufacture and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind. Restriction: Restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 15897 (Sub-No. 4), filed January 31, 1969. Applicant: O.K. TRANSFER AND STORAGE CO., a corporation, 207-209 South Union Street, Post Office Box 1602, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antennas;*

antenna accessories; audios, audio accessories; batteries; electronic components and accessories; intercoms; public address equipment; phonographs; phonograph accessories; radios; receivers; hobby kits; recording tape; tape recorders; tape accessories; test equipment; transceivers; tubes; musical instruments; office and store supplies, furnishings, fixtures and equipment; timers and timing devices; tools and tool kits; hardware cabinets; lamps; books and catalogs, from Fort Worth, Tex., to points in Florida, Georgia, South Carolina, Kentucky, Tennessee, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah, New Mexico, Alabama, and Mississippi, restricted to traffic originating at or destined to facilities or franchise stores of the Radio Division of the Tandy Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 17778 (Sub-No. 37), filed December 23, 1968. Applicant: YALE TRANSPORT CORP., 460 12th Avenue, New York, N.Y. 10018. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Providence, R.I., and plantsite of Carol Cable Corp., at Warren, R.I., from Providence over Interstate Highway 95 to junction Interstate Highway 195, thence over Interstate Highway 195 to junction Rhode Island Highway 114, thence over Rhode Island Highway 114 to plantsite of Carol Cable Corp., located at Warren, R.I., and return over the same route, serving no intermediate points. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 27063 (Sub-No. 17), filed January 24, 1969. Applicant: LIBERTY TRANSFER COMPANY, INC., Towson and Cuba Streets, Baltimore, Md. 21230. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paperboard*, from Severn, Md., to Washington, D.C., Wilmington, Del., New York, N.Y., Huntingdon, Pa., points in Pennsylvania on and east of U.S. Highway 15, and those in New Jersey on, north and west of a line beginning at Pennsville, and extending along U.S. Highway 130 to New Brunswick, N.J., thence east along the Raritan River to Raritan Bay, including points on the indicated portions of the highways specified, under contract with Simkins Industries, Inc. **NOTE:** Applicant holds a pending common carrier application under MC 128278 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 639), filed February 3, 1969. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Starch*, in bulk, in tank or hopper-type vehicles, from Houlton, Maine to Pittsburgh, Pa., (2) *corn starch*, in bulk, in tank or hopper-type vehicles, from Boston, Mass., to points in Maine, (3) *alum* in bulk, from the plantsite of Holland Co., Inc., in Adams, Mass., to points in Connecticut (except Manchester, Versailles, and Windsor Locks) and to Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and *sodium aluminate and rosin sizing*, in bulk, from the plantsite of Holland Co., Inc., in Adams, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, restricted to traffic originating at the above-named plantsite and destined to points in the above-named destination States and (4) *clay*, dry, in bulk, in tank or hopper-type vehicles from Paulsboro, N.J., at Alama, Mich. **NOTE:** Common control may be involved. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33641 (Sub-No. 83), filed January 22, 1969. Applicant: IML FREIGHT, INC., Post Office Box 2277, Salt Lake City, Utah 84110. Applicant's representative: Edward J. Hegarty, Shell Building, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities of unusual value, commodities in bulk, commodities requiring special equipment) serving that portion of Weber County, Utah, lying north of the Weber River and west of Utah Highway 84 as an off-route point in connection with carrier's authorized regular routes to and from Ogden, Utah. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 37544 (Sub-No. 1) (Correction), filed December 19, 1968, published in the FEDERAL REGISTER issue of January 30, 1969, and republished in part, as corrected this issue. Applicant: FASGO MOTOR EXPRESS, INC., 2000 St. Clair Avenue, East St. Louis, Ill. 66205. Applicant's representative: George C. Anderson (same address as applicant). The purpose of this partial republication is solely to reflect the correct name of applicant as *Fasgo Motor Express, Inc.*, in lieu of *Fasgo Motor Express, Inc.*, which was inadvertently shown in the previous publication. The rest of the application remains as previously published.

No. MC 38367 (Sub-No. 3), filed January 16, 1969. Applicant: SMITH AVENUE STORAGE WAREHOUSE, MOVING CO., INC., 149 Clinton Avenue, Kingston, N.Y. 12401. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods as defined by the Commission, containerized, between points in Ulster, Orange, Sullivan, Delaware, Rockland, Putnam, Westchester, Dutchess, Columbia, Greene, Albany, Schenectady, and Rensselaer Counties, N.Y., and New York City, N.Y.; Bennington County, Vt.; Berkshire County, Mass., and Richfield, Hartford, New Haven, and Fairfield Counties, Conn., restricted to shipments having a prior or subsequent movement beyond points in said territory, in containers, and further restricted to and in connection with packing, crating, and containerizing, or unpacking, uncrating, and decontainerizing. Note: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

42318 (Sub-No. 35), filed January 27, 1969. Applicant: HOWARD HALL COMPANY, INC., 3433 35th Street North, Post Office Box 2622, Birmingham, Ala. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) Between Birmingham, Ala., and Miami, Fla., from Birmingham over U.S. Highway 31 to Montgomery, Ala., thence over U.S. Highway 231 to Dothan, Ala., thence over U.S. Highway 84 to Bainbridge, Ga., thence over U.S. Highway 27 to Capps, Fla., thence over U.S. Highways 19 and 27 to Perry, Fla., thence over U.S. Highway 98 to Brooksville, Fla., thence over U.S. Highway 41 to Tampa, Fla., thence over Florida Highway 60 to its intersection with U.S. Highway 27 at a point approximately 4 miles west of Lake Wales, Fla., thence over U.S. Highway 27 to Miami, Fla., and return over the same route serving Montgomery, Ala., and all intermediate points in Florida and all other points in Florida and those in Alabama within a 65-mile radius of Birmingham, Ala., as off-route points.

(2) Between Birmingham, Ala., and Miami, Fla., from Birmingham over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Albany, Ga., thence over U.S. Highway 82 to its intersection with Interstate Highway 75 near Tifton, Ga., thence over Interstate Highway 75 to its intersection with U.S. Highway 27 near Ocala, Fla., thence over U.S. Highway 27 to Miami, Fla., and return over the same route

serving all intermediate points in Florida and all other points in Florida and those in Alabama within a 65-mile radius of Birmingham, Ala., as off-route points.

(3) Between Birmingham, Ala., and Miami, Fla.; (a) from Birmingham over U.S. Highway 280 to Richland, Ga., thence over Georgia State Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Waycross, Ga., thence over U.S. Highway 1 to Miami, Fla., and return over the same route serving all intermediate points in Florida and all other points in Florida and those in Alabama within a 65-mile radius of Birmingham, Ala., as off-route points; (b) between Jacksonville, and Miami, Fla., over Interstate Highway 95 serving intermediate points. (4) Between Birmingham, Ala., and Pensacola, Fla.; (a) from Birmingham over U.S. Highway 31 to Montgomery, thence over U.S. Highway 31 to Flomaton, Ala., thence over U.S. Highway 29 to Pensacola, Fla., and return over the same route; (b) from Birmingham over Interstate Highway 65 to its junction with Alabama Highway 21 near Atmore, Ala., thence over Alabama Highway 21 to the Alabama-Florida State line, thence over Florida Highway 97 to its junction with U.S. Highway 29, thence over U.S. Highway 29 to Pensacola, and return over the same route serving Montgomery, Ala., and all intermediate points in Florida and all other points in Florida and those in Alabama within a 65-mile radius of Birmingham, Ala., as off-route points.

(5) Between Birmingham, Ala., and Fort Walton Beach, Fla., from Birmingham over U.S. Highway 31 to Montgomery, thence over U.S. Highway 331 to Florala, Ala., thence over Florida Highway 85 to Fort Walton Beach, Fla., and return over the same route serving Montgomery, Ala., and all intermediate points in Florida and all other points in Florida and those in Alabama within a 65-mile radius of Birmingham, Ala., as off-route points. (6) Between Birmingham, Ala., and Panama City, Fla., from Birmingham over U.S. Highway 31 to Montgomery, thence over U.S. Highway 231 to Panama City, Fla., and return over the same route serving Montgomery, Ala., and all intermediate points in Florida and those in Alabama within a 65-mile radius of Birmingham, Ala., as off-route points. (7) Between Brewton, Ala., and Pensacola, Fla., from Brewton over Alabama Highway 41 to the Alabama-Florida State line, thence over Florida Highway 87 to its intersection with U.S. Highway 90 at Milton, Fla., thence over U.S. Highway 90 to Pensacola and return over the same route, with service to all intermediate points. (8) Between Florala, Ala., and Panama City, Fla., from Florala over U.S. Highway 331 to Freeport, Fla., thence over Florida Highway 20 to its intersection with Florida Highway 79, thence over Florida Highway 79 to its intersection with U.S. Highway 98, thence over U.S. Highway 98 to Panama City and return over the same route, serving all intermediate points. (9) Between Pensacola and Panama City, Fla., over U.S. Highway 98, serving intermediate points.

(10) Between Pensacola, and Jacksonville, Fla., over U.S. Highway 90 and/or Interstate Highway 10, serving intermediate points. (11) Between the intersection of U.S. Highway 90 and U.S. Highway 231 near Cottondale, and Lake City, Fla., over U.S. Highway 90, with service to all intermediate points. (12) Between the intersection of Interstate Highway 75 and Interstate Highway 10 near Lake City, and Jacksonville, Fla., over Interstate Highway 10, serving all intermediate points. (13) Between Leesburg and Orlando, Fla., over U.S. Highway 441, serving all intermediate points. (14) Between Orlando and the junction of U.S. Highways 27 and 441 over U.S. Highway 441 serving all intermediate points. (15) Between Orlando and Jacksonville, Fla., over U.S. Highway 17 serving all intermediate points. (16) Between Orlando and Daytona Beach, Fla., over Interstate Highway 4 serving all intermediate points. (17) Between Orlando, Fla., and the intersection of Florida Highway 50 and U.S. Highway 1 about 8 miles south of Titusville, Fla., over Florida Highway 50, serving all intermediate points. (18) Between Ocala, Fla., and the intersection of Interstate Highway 75 and U.S. Highway 441 near High Springs, Fla., over U.S. Highway 441 serving all intermediate points. (19) Between Ocala, Fla., and the intersection of U.S. Highway 301 and 90 at or near Baldwin, Fla., over U.S. Highway 301, serving all intermediate points. (20) Between Orlando and Tampa, Fla., over Interstate Highway 4, serving all intermediate points. (21) Between Tampa, Fla., and the intersection of U.S. Highway 27 and Interstate Highway 75 near Ocala, Fla., over Interstate Highway 75 serving intermediate points. (22) Between Tampa, Fla., and the intersection of U.S. Highways 19 and 98 near Chassahowitzka, Fla., from said intersection of U.S. Highways 19 and 98 over U.S. Highway 19 to the intersection thereof with Florida State Highway 60, thence over Florida State Highway 60 to Tampa and return over the same route, serving all intermediate points. (23) Between Tampa, Fla., and the Sunshine State Parkway, over Florida Highway 60, serving all intermediate points. (24) Between the intersection of Interstate Highway 75 and the Sunshine State Parkway (Florida Turnpike Toll Road) near Wilwood, and Miami, Fla., over the said Sunshine State Parkway, serving all intermediate points. (25) Between Birmingham and Montgomery, Ala., from Birmingham over U.S. Highway 31 to its intersection with Interstate Highway 65 near Alabaster, Ala., thence over Interstate Highway 65 to its intersection with U.S. Highway 31 near Prattville, Ala., thence over U.S. Highway 31 to Montgomery, for operating convenience only; (26) between Birmingham and Montgomery, Ala., over U.S. Highway 31 or Interstate Highway 65 for operating convenience only; (27) between Montgomery, Ala., and Columbus, Ga., over U.S. Highway 80 for operating convenience and joinder only; (28) between Montgomery, Ala., and Tifton, Ga., over

U.S. Highway 82 for operating convenience and joinder only; (29) between Clermont and Orlando, Fla., over Florida Highway 50, serving intermediate points.

Restriction: The operations herein sought are restricted to the transportation of shipments moving to, through or from points located within a radius of 65 miles of Birmingham, Ala., including Birmingham and Montgomery, Ala., on the one hand, and, on the other, points in Florida. **Note:** Applicant presently holds authority to transport the subject commodities between Montgomery, Ala., and points in Alabama within 65 miles of Birmingham, including Birmingham, on the one hand, and, on the other, points in Florida on and north of a line beginning at Clearwater, Fla., and extending across Davis Causeway to Tampa, Fla., thence along U.S. Highway 192 to Melbourne, Fla., and thence along unnumbered highway to Atlantic Seaboard. The subject application seeks authority to (1) convert the aforesaid irregular route to regular route authority with the right to serve all of the aforesaid areas of Florida on the regular routes as intermediate points and to serve those points in Florida not on said regular routes as off-route points and (2) to serve points on the aforesaid regular routes in Florida south of the aforesaid line as intermediate points and to serve all other points in Florida south of the said line as off-route points. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., and Miami, Fla.

No. MC 54948 (Sub-No. 3), filed February 24, 1969. Applicant: BERT B. HEDSTROM, Wilton, N. Dak. 58579. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, from Fargo, N. Dak., to points in North Dakota. **Note:** Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 69981 (Sub-No. 11), filed February 4, 1969. Applicant: ADOLPH E. HULCHER AND AUSTIN W. HULCHER, a partnership, doing business as A. E. HULCHER AND SON, Post Office Box 167, Virden, Ill. 62690. Applicant's representative: Mack Stephenson, 301 North Second Street, Springfield, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Garbage disposal units*, electric, from Newton, Iowa, to points in Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Fayette, Fulton, Greene, Hancock, Henderson, Henry, Jasper, Jersey, Knox, Logan, McDonough, Macon, Macoupin, Madison, Marion, Mason, Mendard, Mercer, Montgomery, Morgan, Moultrie, Peoria, Pike, Rock Island, Sangamon, Scott, Shelby,

Stark, Tazewell, Vermillion, Warren, Washington, Whiteside, and Woodford Counties, Ill. **Note:** If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill., or St. Louis, Mo.

No. MC 77972 (Sub-No. 14), filed January 29, 1969. Applicant: MERCHANTS TRUCK LINE, INC., 100 Summer Street, Post Office Box 209, New Albany, Miss. 39652. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22533, Jackson, Miss. 39205. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) between Memphis, Tenn., and Ackerman, Miss., from Memphis to Winona, Miss., over Interstate Highway 55; thence over U.S. Highway 82 to Mathiston; thence over Mississippi Highway 15 to Ackerman, Miss., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; (2) between Memphis, Tenn., and Carthage, Miss., from Memphis to Vaiden, Miss., over Interstate Highway 55; thence over Mississippi Highway 35 to Carthage, Miss., and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (3) between New Albany, Miss., and Ackerman, Miss., from New Albany to Ackerman, over Mississippi Highway 15, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. **Note:** The route in (3) above will be joined with and used in conjunction with applicant's present route extending between Memphis, Tenn., and New Albany, Miss. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 82841 (Sub-No. 53), filed January 21, 1969. Applicant: R-D TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, light poles, mast arms, brackets, bases and accessories*, from the plantsite of Valmont Industries, Inc., at or near Valley, Nebr., to points in North Dakota, South Dakota, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, restricted against the transportation of oilfield commodities as described in *Mercer Extension-Oilfield commodities*. **Note:** Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 86099 (Sub-No. 3), filed January 31, 1969. Applicant: CARL VAUGHT,

107 Kansas Avenue, Hiawatha, Kans. 66434. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment) between points in Nemaha, Brown, Doniphan, Atchison, Kans., and that part of Jackson County on and north of Kansas Highway 16 and that part of Marshall County on and east of Kansas Highway 99. **Note:** By this instant application, applicant seeks to convert certain authority from its certificate of registration to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at St. Joseph, Mo.

No. MC 87720 (Sub-No. 90), filed January 31, 1969. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper bags, and closing materials therefor, and wrapping paper*, from Mobile, Ala., to points in the United States east of and including North Dakota, South Dakota, Nebraska, Oklahoma, Texas, and New Mexico; (2) *materials and supplies*, except in bulk, from Bogalusa, La., Crossett, Ark., Houston, Tex., Homer, La., East Pepperell, Mass., Indianapolis, Ind., Minneapolis, Minn., Cedar Rapids, Iowa, Argo, Ill., St. Louis, Mo., Macon, Ga., and Decatur, Ill., to Mobile, Ala.; (3) *burlap, paper, and fiber bags, cotton yarn, burlap, in rolls*, from New Orleans, La., to Georgia, North Carolina, Alabama, Hillsborough County, Fla., Greenville and Harrison Counties, Miss.; (4) *materials and supplies*, other than bulk, from Burlington, Ind., Hazelhurst, Ga., Wilson, N.C., Cheraw, S.C., Macon, Ga., St. Louis, Mo., Houston, Tex., Terre Haute, Ind., Bemiston and Talladega, Ala., to New Orleans, La.; (5) *paper bags and wrapping paper*, from Crossett, Ark., to Georgia, South Carolina, North Carolina, Florida, Alabama, Mississippi, Louisiana, Tennessee, Texas, and Oklahoma; (6) *materials and supplies*, other than bulk, between Crossett, Ark., and St. Louis, Mo.; and (7) *returned shipments* in (1), (2), (3), (4), (5), and (6), in the reverse direction, under contract with Bemis Co., Inc. **Note:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94265 (Sub-No. 211) (Amendment), filed October 18, 1968, published *FEDERAL REGISTER* issue of November 7, 1968, amended February 13, 1969, and republished as amended, this issue. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (2) *foodstuffs*, when moving in mixed loads with the commodities named in (1) above, from Austin, Minn., to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and those in West Virginia on and north of U.S. Highway 60, restricted to traffic originating at the plant site and warehouse facilities of Geo. A. Hormel & Co. **NOTE:** The purpose of this republication is to broaden the scope by adding (2) above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Minneapolis, Minn., or Chicago, Ill.

No. MC 94350 (Sub-No. 214), filed February 7, 1969. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements and *portable buildings* traveling on their own or removable undercarriages, from points in Marlboro County, S.C., to points in Georgia, Florida, North Carolina, Virginia, and Maryland. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 96881 (Sub-No. 7), filed February 3, 1969. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 1211 South Ninth Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Washington, D.C. 72901. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Texarkana, Ark.-Tex., and Paris, Tex., from Texarkana over Interstate Highway 30 to junction U.S. Highway 82, thence over U.S. Highway 82 to Paris, and return over the same route, serving all intermediate points, (2) between Fort Smith, Ark., and Paris, Tex., over U.S. Highway 271, serving no intermediate points, and (3) between Idabel, Okla., and junction U.S. Highways 259 and 82 west of De Kalb, Tex., over U.S. Highway 259, serving all intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Little Rock, Ark.

No. MC 103051 (Sub-No. 225), filed January 27, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from points in Muscogee County, Ga., to points in Florida. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103993 (Sub-No. 359) (Amendment), filed November 20, 1968, published *FEDERAL REGISTER* issue of December 19, 1968, amended February 14, 1969, and republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46515. Applicant's representatives: Robert G. Tassar and Ralph H. Miller (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Campers and camp coaches* designed to be installed on pickup trucks, from points in Boulder County, Colo., to points in Kansas, Minnesota, New Mexico, Nebraska, South Dakota, Utah, Wyoming, and Oklahoma. **NOTE:** The purpose of this republication is to redescribe authority sought, which includes the commodity and the origin territory. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103993 (Sub-No. 374), filed January 31, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghe-sani and Ralph H. Miller (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial movements, from Holstein, Iowa, to points in the United States (except Alaska and Hawaii). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 103993 (Sub-No. 375), filed February 4, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghe-sani (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85; and (2) *materials, equipment, and supplies* used in manufacturing and processing of iron and steel articles, from points in the United States on and east of U.S. Highway 85, to plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., restricted to traffic originating at or destined to named origins and destinations in (1) and (2) above, and restricted against the transportation of

commodities in bulk. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 104589 (Sub-No. 25), filed February 3, 1969. Applicant: J. L. LAWHON, 2941 Main Street, East Point, Ga. 30044. Applicant's representative: Clyde W. Carver and William Addams, Suite 527, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Container cement*, liquid in bulk, in tank vehicles, from points in Fulton County, Ga., to Houston and Paris, Tex., Cincinnati, Ohio, St. Louis, Mo., Winchester, Va., and Jacksonville and Tampa, Fla., and Baltimore, Md., under contract with Dewey and Almy Chemical Division of W. R. Grace & Co. **NOTE:** If a hearing is deemed necessary, applicant does not specify a location.

No. MC 105172 (Sub-No. 8), filed February 7, 1969. Applicant: GORDON DEHMLER, doing business as COVERED WAGON TRAIN, 45 Clara Barton Street, Dansville, N.Y. 14437. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, N.Y. 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum asphalt* other than paint, stain, or varnish; *compound, fuel oil treating* for preventing precipitation of sediment; *petroleum vehicle body sealer or sound deadener*; *petroleum oil*; *iron and steel rust-preventing, or removing compound* (other than petroleum); *metal cutting, drawing and drilling compounds* (other than petroleum); *brake fluid* (other than petroleum); *cleaning, washing, and scouring compound*; *petroleum tar*; *petroleum wax*; *petroleum oils*; *compounded oil and greases* and *lubricating greases*; and *oil emulsions*; all in containers; and *petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, except in bulk, and related advertising material, from points in McKean County, Pa., to points in New Jersey and New York. **NOTE:** Applicant states no duplicating authority is being sought. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant request it be held at Buffalo or Rochester, N.Y.

No. MC 106117 (Sub-No. 11), filed January 23, 1969. Applicant: RUMPF TRUCK LINE, INC., 424 South Maumee Street, Tecumseh, Mich. 49286. Applicant's representative: Rex Eames, 900 Guardian Building, Detroit, Mich. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), to serve the plant site of Thetford Engineering Corp., at Dexter, Mich., in connection with the carrier service between Ann Arbor, Mich.,

and Toledo, Ohio. **NOTE:** Applicant states service is contemplated between the plantsite and applicant's authorized regular routes between Ann Arbor, Mich., and Toledo, Ohio, with interchange with various carriers at Toledo, Ohio. If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 106398 (Sub-No. 389), filed February 10, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvan Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, (1) from points in Harnett County, N.C., to points in the United States (except Alaska and Hawaii), and (2) from points in Livingston County, Ill., to points in the United States (except Alaska and Hawaii). **NOTE:** Common control and dual operations may be involved. Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 639), filed February 3, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, (except in bulk), in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, and Tennessee (except Memphis). **NOTE:** Applicant states that no duplicating authority is sought. Applicant further states that it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Atlanta, Ga.

No. MC 108053 (Sub-No. 84), filed February 6, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Liberal, Kans., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110525 (Sub-No. 881) (Amendment), filed October 10, 1968, published in the FEDERAL REGISTER issue of October 31, 1968, and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jackiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Texas, Illinois, Missouri, Wisconsin, and Tennessee. **NOTE:** The purpose of this republication is to reflect the additional destination States of Missouri, Wisconsin, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110525 (Sub-No. 894), filed January 27, 1969. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representatives: Edwin H. van Deusen (same address as applicant) and Leonard A. Jackiewicz, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, except in bulk, from the plantsite of the Allentown Portland Cement Co., at or near Jersey City, N.J., to points in Connecticut. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113024 (Sub-No. 72), filed February 12, 1969. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19777. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clothing, dry goods, drugs, medicines, toilet preparations, toilet articles, diaper liners, display stands, and materials and supplies* (except liquid commodities in tank vehicles) used in the manufacture of sewn and latex products, including *packing and packaging materials therefor*, between Dover, Del., on the one hand, and, on the other, Dallas, Tex., and city of Industry, Calif., and (2) *plastic fillers* for nursery bottles, from Newark, Ohio, to Dover, Del., for the account of International Playtex Corp., Dover, Del. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113300 (Sub-No. 4), filed February 3, 1969. Applicant: WILLIAM T. HERRON, Route No. 3, Marietta, Ohio 45750. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus,

Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are susceptible of being unloaded by dumping, in dump trucks, (a) between points in Athens, Morgan, and Noble Counties, Ohio, on the one hand, and, on the other, points in Harrison, Jackson, Pleasants, Wetzel, Wood, Mason, Roane, Ritchie, Calhoun, Tyler, Marshall, Doddridge, Wirt, Gilmer, and Kanawha Counties, W. Va.; and (b) between points in Washington County, Ohio, on the one hand, and, on the other, points in Kanawha County, W. Va. **NOTE:** Applicant states it presently holds authority to transport coal, in bulk, in dump trucks from Athens, Morgan, and Noble Counties, Ohio, to Pleasants and Wood Counties, W. Va., and to this degree, the instant request would be duplicative. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 113362 (Sub-No. 157), filed January 30, 1969. Applicant: ELLS-WORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from John Morrell & Co. plantsite located at or near Ottumwa, Iowa, to points in Ohio, Pennsylvania, Michigan, New York, Maryland, District of Columbia, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, Vermont, West Virginia, Virginia, New Jersey, and Delaware. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 113855 (Sub-No. 190), filed February 3, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery* (2) *tractors* (except those with vehicle beds, bed frames, or fifth wheels), including lawn or garden tractors, and tractors, and tractor excavating, grading, or loading attachments, combined (3) *attachments and accessories for, and equipment designed for use with, the foregoing articles*, and (4) *twine*, from West Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and also to points on the international boundary line between the United States and Canada in the States of Minnesota and North Dakota. **Restriction:** The authority herein granted shall be limited to traffic originating at

the plantsites of, or storage or distribution facilities used by, International Harvester Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114004 (Sub-No. 70), filed February 7, 1969. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Trailers designed to be drawn by passenger automobiles, and (2) buildings in sections mounted on wheeled undercarriages, in initial movements, in truckaway service, from points in Perry and Hempstead Counties, Ark., to points in the United States including Alaska, but excluding Hawaii. NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114829 (Sub-No. 5), filed February 3, 1969. Applicant: GENERAL CARTAGE COMPANY, INC., Post Office Box 417, Sterling, Ill. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products, from Rock Island, Ill., to points in Wisconsin and Minnesota, under contract with Container Corporation of America. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 342), filed January 31, 1969. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned and bottled foodstuffs, from Kokomo, Ind., to Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, or Nashville, Tenn., or Chicago, Ill.

No. MC 117574 (Sub-No. 180), filed February 3, 1969. Applicant: DAILY EXPRESS, Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Agricultural implements and machinery; (2) tractors (except those with vehicle beds, bed frames, or fifth wheels), including lawn or garden tractors, and tractors, and tractor excavating, grading, or loading attachments, combined; (3) attachments and accessories for, and equipment designed for use with, the foregoing articles; and (4) twine, from West Chicago, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New

Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Restriction: The authority herein sought shall be limited to traffic originating at the plantsites of, or storage or distribution facilities used by, International Harvester Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 117815 (Sub-No. 141), filed February 3, 1969. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Meats, meat products, meat byproducts, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and foodstuffs, (a) from the plantsite and storage facilities of Geo. A. Hormel & Co. at Austin, Minn., to points in Iowa, Illinois, Kansas, Michigan, Missouri, Nebraska, and Ohio; (b) from the plantsite and storage facilities of Geo. A. Hormel & Co. at Fremont, Neb., to points in Illinois, Indiana, Michigan, and Ohio; and (c) from Fort Dodge, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Missouri, and Ohio, and (2) Meats, meat products, meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Des Moines, Iowa, to points in Indiana, Kansas, Michigan, Missouri, Nebraska, and Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117834 (Sub-No. 5), filed January 28, 1969. Applicant: WILLIAM R. PINKERTON, doing business as BILL PINKERTON, Route 4, Box 192 C, Little Rock, Ark. 72206. Applicant's representative: Donald R. Partney, 35 Glenmere Drive, Little Rock, Ark. 72204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Bananas, from New Orleans, La., Gulfport, Miss., Mobile, Ala., Houston and Galveston, Tex., to Little Rock, Ark., under contract with Gilman & Kosten Co., Inc., of Little Rock, Ark., and Comer C. Johnson. NOTE: Applicant now holds permits for the transportation of bananas from and to the above points for the Kroger Co. The instant application seeks authority permitting it to serve Gilman & Kosten Co., Inc., Little Rock, Ark., from all above origins. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 118159 (Sub-No. 62), filed January 30, 1969. Applicant: EVERETT

LOWRANCE, INC., 4916 Jefferson Highway, New Orleans, La. Applicant's representative: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, and meat byproducts, and articles distributed by packinghouses as described in sections A and C of appendix I to *Descriptions of Motor Carrier Certificates* 61 M.C.C. 209 and 766, from York, Nebr., to points in Arkansas, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Kansas, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., New Orleans, La., or Washington, D.C.

No. MC 118848 (Sub-No. 11) (Correction), filed January 29, 1969, published *FEDERAL REGISTER* issue of February 14, 1969, and republished in part, as corrected, this issue. Applicant: DOMENICO BUS SERVICE, INC., Box 47, 75 New Hook Access Road, Bayonne, N.J. 07002. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. * * * (2) between junction Forest Avenue and Victory Boulevard and junction Seneca Street and Victory Boulevard, Staten Island, N.Y.: From junction Forest Avenue and Victory Boulevard over Victory Boulevard to junction Clove Road, thence over Clove Road to junction Niagara Street, thence over Niagara Street to junction Seneca Avenue, thence over Seneca Avenue to junction Victory Boulevard, and return over same route, serving all intermediate points * * * NOTE: The purpose of this partial republication is to redescribe route (2) in the authority sought, a portion of which was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 119641 (Sub-No. 78), filed January 21, 1969. Applicant: RINGLE EXPRESS, INC., 450 South Ninth Street, also Post Office Box 471, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Agricultural implements and farm machinery; (2) industrial, construction, excavating and material handling equipment; (3) attachments for the commodities described in (1) and (2) above; and (4) parts of the commodities described in (1), (2), and (3) above when moving in mixed loads with such commodities, from Des Moines, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill.

No. MC 123819 (Sub-No. 24), filed February 3, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's

representative: Bill R. Davis, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burlap and bags*, from New Orleans, La., to points in Georgia and Florida. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124078 (Sub-No. 359), filed February 2, 1969. Applicant: SCHWERTMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal food and liquid animal feed supplements*, in bulk, from Bainbridge, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127478 (Sub-No. 3), filed January 31, 1969. Applicant: WILLIAM M. HAYES, doing business as HAYES TRUCKING CO., Post Office Box 31, Winterville, Ga. 30683. Applicant's representative: Ariel V. Conlin, 626 Fulton National Bank Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, (1) from Atlanta, Ga., to New Orleans, La.; (2) from New Orleans, La., to Athens, Ga.; and (3) from Evansville, Ind., to New Orleans, La. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 127505 (Sub-No. 21), filed February 2, 1969. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, 1201 14th Avenue, Mendota, Ill. 61342. Applicant's representative: Ralph H. Boelk (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radios, phonographs, or talking machines*, in containers, from Decatur, Ill., to Chicago, Ill., and (2) *radio, phonograph or talking machine parts* in containers, from Chicago, Ill., and Tell City, Ind., to Decatur, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127994 (Sub-No. 4), filed February 7, 1969. Applicant: JOHN HANLEY, 54 Kuhn Drive, Saddle Brook, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic cushioning material*, from Chicago, Ill., to points in Wisconsin, Minnesota, Iowa, Illinois, Indiana, Missouri, Kentucky, Michigan, and Ohio, and *returned shipments*, on return, under contract with Sealed Air Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 129135 (Sub-No. 8), filed February 3, 1968. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubu-

que, Iowa 51001. Applicant's representative: Allan Katuin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand and/or gravel*, in bulk, from a point approximately 2 miles south of East Dubuque, Ill., to points in Iowa, under contract with Dubuque Sand and Gravel Co., (2) *foundry sand*, in bulk, from Oregon, Ill., to Dubuque, Iowa, under contract with the A Y McDonald Manufacturing Co., (3) *sand*, in bags and/or in bulk, from Oregon, Ill., to points in Dubuque County, Iowa, under contract with Meyer Bros. Painting, (4) *sand*, in bulk, from a point approximately 2 miles south of East Dubuque, Ill., to Guttenberg, Iowa, under contract with the Molo Sand and Gravel Co., (5) *ice*, wet, frozen, in blocks and/or in bags, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin, under contract with the Mulgrew Oil Co., and (6) *used foundry sand*, having value for metal reclamation purposes, from Dubuque, Iowa, to Trevor, Wis., in bulk shipments only, under contract with Salvage Service Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dubuque, Iowa, Madison, Wis., or Des Moines, Iowa.

No. MC 129996 (Sub-No. 1), filed January 31, 1969. Applicant: SPECIALTY TRANSPORT, INC., Spirit Lake, Iowa 51360. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned, bottled, and packaged food products*, except frozen foods, from points in New York, New Jersey, Pennsylvania, and Massachusetts, to St. Paul, Minn., under contract with Gourmet Foods, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133052 (Sub-No. 1) (Amendment), filed December 14, 1968, published *FEDERAL REGISTER*, issue of October 31, 1968, and republished as amended this issue. Applicant: THE T & W TRUCKING CO., a corporation, 18 Van Ness Place, Newark, N.J. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Swimming pools*, knocked down, and *swimming pool supplies and materials*, in cartons, from Robbinsville (Mercer County), N.J., to points in Albany, Rensselaer, Schenectady, Saratoga, Washington, Broome, Onondaga, and Chemung Counties, N.Y., points in Pennsylvania on and east of U.S. Highway 15, points in Connecticut on and east of U.S. Highway 5, points in Baltimore County, and Baltimore, Md., Washington, D.C., and points in Fairfax and Prince George Counties, Va., under contract with Richards Centers, Inc., (2) *rugs and carpets*, (a) from New York, N.Y., to Newark, N.J., under contract with Carpet Linoleum Service, Inc., and (b) from Springfield, N.J., to points in Rockland and Orange Counties, N.Y., un-

der contract with Sandler and Worth. **NOTE:** The purpose of this republication is to show that shipper has moved its facilities to Robbinsville, N.J., in lieu of Newark, N.J., and the application has been amended to include Baltimore, Md. Applicant's verified statements in support of the application, as amended, have been received. Following the 30 days from publication in the *FEDERAL REGISTER*, new dates for filing protestant's verified statements will be set. Those parties who have already filed protests will still be considered as protestants and need not file new protests.

No. MC 133053 (Sub-No. 1), filed January 28, 1969. Applicant: FRANCIS MANGIARDI, 1001 Peck's Road, Pittsfield, Mass. 01201. Applicant's representative: James J. Scullary, 28 North Street, Pittsfield, Mass. 01201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil and gasoline*, from Albany, N.Y., to Pittsfield, Mass. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsfield or Springfield, Mass., or Albany, N.Y., or Hartford, Conn.

No. MC 133241 (Sub-No. 1), filed January 30, 1969. Applicant: WREN LINE INC., 39 North Broadway, Tarrytown, N.Y. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Common fill*, in bulk, in dump vehicles, between Orange, Rockland, and Westchester Counties, N.Y., on the one hand, and, on the other, Bergen, Essex, Hudson, Passaic, Somerset, and Union Counties, N.J. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133250 (Sub-No. 2) (Correction), filed January 21, 1969, published *FEDERAL REGISTER* issue February 7, 1969, and republished this issue. Applicant: UNITED AGRICULTURAL TRANSPORTATION ASSOCIATION OF AMERICA MARKETING CO-OP, a corporation, Post Office Box 541, Lynwood, Calif. 90262. Applicant's representatives: Laurence A. Short, 1824 R Street NW., Washington, D.C. 20009 and J. Donald Kenny, 901 Alcoa Building, 1 Maritime Plaza, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, articles of unusual value, commodities requiring special equipment, and classes A and B explosives), (a) between points in California, Oregon, Washington, Utah, Arizona, and Nevada on the one hand, and, on the other, points in Texas, Iowa, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Virginia, Kentucky, Tennessee, and Georgia, and (b) between points in California on the one hand, and, on the other, points in Washington. Restriction: Restricted to

traffic moving on Government bills of lading. **NOTE:** The purpose of this republication is to add the above restriction which was previously omitted from the publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133252 (Sub-No. 2), filed January 21, 1969. Applicant: **MIDWEST GROWERS COOPERATIVE CORPORATION**, 7236 East Slauson Avenue, Los Angeles, Calif. 90022. Applicant's representatives: Laurence A. Short, 1824 R Street NW., Washington, D.C. 20009 and J. Donald Kenny, 930 Alcoa Building, 1 Maritime Plaza, San Francisco, Calif. 94111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Arizona, California, Nevada, Oregon, Utah, and Washington, on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, and Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133377 (Sub-No. 2) (Amendment), filed January 6, 1969, published in **FEDERAL REGISTER** issue of January 30, 1969, amended February 12, 1969, and republished as amended this issue. Applicant: **COMMERCIAL SERVICES, INC.**, Lakeside, Iowa 50588. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses and commodities used by meat packers*, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 786 (except hides and commodities in bulk), and *Foodstuffs* when transported in mixed shipments with the commodities named above, (1) from Fort Dodge, Iowa, to points in Iowa and Missouri, and (2) between Fremont, Nebr.; Fort Dodge, Iowa; Austin and Owatonna, Minn. Restriction: Service in parts (1) and (2) above is restricted to traffic originating at the plantsite and/or warehouse facilities of the Geo. A. Hormel & Co., and destined to the points and States specified. **NOTE:** The purpose of this republication is to include *articles* described in section D of appendix I to the report in *Descriptions* case and also include *foodstuffs*, when in mixed shipments with the other articles sought to be transported. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133400, filed January 9, 1969. Applicant: **EARL W. BURGESS**, Courtland, Va. 23837. Applicant's representative: Jno. C. Goddin, Post Office Box 1636, Richmond, Va. 23213. Authority sought to operate as a common carrier, by motor

vehicle, over irregular routes, transporting: *Clay products*, which because of size, weight, and method of packing require the use of special equipment in loading and unloading, from Richmond, Va., to the District of Columbia, Baltimore, Md., and points in Montgomery, Howard, Carroll, Frederick, Baltimore, Hartford, Anne Arundel, Prince Georges, Charles, St. Mary's, Calvert, Somerset, and Worcester Counties, Md. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 133431 (Sub-No. 1), filed January 21, 1969. Applicant: **WATERFRONT TRANSFER CORP.**, 711 Second Street, Hoboken, N.J. 07030. Applicant's representative: George A. Olsen, 69 Tonnelle Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in New York, N.Y., commercial zone as defined by the Commission. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to limit the proposed operation to local service if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133449, filed January 24, 1969. Applicant: **CLAUDE W. CONCELMAN**, Route 1, Box 45-A, Erie, Colo. 80516. Applicant's representative: Kenuff D. Wolford, 946 Metropolitan Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Camper coaches and camper bodies* designed to be installed on pickup trucks, with or without equipment, fixtures, or appliances, from points in Colorado to points in Arizona, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

APPLICATION OF FREIGHT FORWARDERS

No. FF-362 (Amendment) **TRANS-AMERICAN WORLD TRANSIT, INC.**, **FREIGHT FORWARDER APPLICATION**, filed December 13, 1968, published **FEDERAL REGISTER**, issue of December 28, 1968, and republished as amended this issue. Applicant: **TRANS-AMERICAN WORLD TRANSIT, INC.**, 7540 South Western Avenue, Chicago, Ill. 60620. Applicant's representative: J. Elliott Bunce, 1111 E Street NW., Washington, D.C. 20004. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by railroad, express, water, air, and motor vehicle in the transportation of *household goods*, as defined by the Commission, *new furniture, personal effects and baggage, used automobiles and display automobiles, new and used typewriters, golf cars, musical instruments, pianos and organs, antiques and objects of art*, between points in the United States. **NOTE:** The purpose of this republication is to show that the applica-

tion has been amended to seek the transportation of household goods, as defined by the Commission, in lieu of used household goods as previously published.

No. FF-365 **FORD PAK, INC.**, **Freight Forwarder Application**, filed February 7, 1969. Applicant: **FORD PAK, INC.**, 2003 Seaboard, Midland, Tex. Applicant's representative: Robert J. Gallagher, 111 State Street, Boston, Mass. 02109. Authority sought under section 410, Part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operations as a freight forwarder in interstate or foreign commerce in the forwarding of *household goods*, as defined by the Commission, between points in the United States, including Alaska and Hawaii.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 130062 (Sub-No. 1) filed February 3, 1969. Applicant: **SUNDOWNER TRAVEL, INC.**, 92 Middle Neck Road, Great Neck, N.Y. 11021. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, N.Y. 11021. For a license (BMC 4) to engage in operations as a broker at Great Neck, N.Y., in arranging for transportation by motor vehicle in interstate and foreign commerce, of *passengers and their baggage*, restricted to students accompanied by tour directors or chaperones and their baggage in all expense tours, beginning at Denver, Colo.; Seattle, Wash.; San Francisco, Calif.; Dallas, Tex.; Los Angeles, Calif.; Salt Lake City, Utah; New York, N.Y.; and Chicago, Ill.; and extending to all points in the United States (except Hawaii). Restriction: The transportation authorized is subject to the prior movement by interstate air commerce or interstate railroad of the passengers and their baggage to the points of origin named above.

No. MC 130076 (Amendment), filed December 30, 1968, published **FEDERAL REGISTER** issue of January 30, 1969, amended February 5, 1969, and republished as amended this issue. Applicant: **DELPHI TEEN TOURS, INC.**, 57-11 224th Street, Bayside, N.Y. 11364. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. For a license (BMC 5) to engage in operations as a broker at Bayside, N.Y., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, both as individuals and in groups, in round trip all expense sightseeing and pleasure tours, restricted to students accompanied by tour directors, supervisors, or chaperones, (a) beginning and ending at New York, N.Y., and extending to points in the United States (except points in Alaska, Connecticut, Delaware, Hawaii, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia), and (b) from Denver, Colo., extending to points in the United States, restricted to the transportation of passengers and their baggage who, as members of a charter group, have had an immediate prior movement by air from New York, N.Y. The purpose of this republication is to more clearly set forth the proposed operation sought.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 129587 (Sub-No. 2), filed January 24, 1969. Applicant: RONALD ROSSANA, doing business as R. ROSSANA VAN LINES, 141 Main Street, Northport, N.Y. 11768. Applicant's representative: William J. Augello, Jr., 36 West 44th Street, New York, N.Y. 10036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Loudspeaker cabinets, in cartons, from Farmingdale, N.Y., to Smithfield, N.C.

No. MC 1200 (Sub-No. 10), filed February 3, 1969. Applicant: RHODE ISLAND BUS CORP., 375 Promenade Street, Providence, R.I. Applicant's representative: John R. Sims, Jr., 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage in the same vehicle with passengers, during the authorized racing season of Lincoln Race Track, at Lincoln, R.I., between Boston, Mass., and Lincoln Race Track, at Lincoln, R.I., from Boston over U.S. Highway 1 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128, to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction Rhode Island Highway 146, thence over Rhode Island Highway 146 to Lincoln Race Track at Lincoln, R.I., and return over the same route, serving no intermediate points as an alternate route for operating convenience only, in connection with applicant's regular route operations, restricted to the transportation of traffic moving between Boston, Mass., and Lincoln Race Track, at Lincoln, R.I.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2323; Filed, Feb. 26, 1969;
8:45 a.m.]

[Notice 300]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-70613. By order of February 12, 1969, the Motor Carrier Board approved the transfer to Amburn Freight Line, Inc., Eldora, Iowa, of certificate of registration No. MC-22968 (Sub-No. 2), issued April 15, 1965, to Severaid Motor Freight, Inc., Story City, Iowa, authorizing transportation in interstate or foreign commerce pursuant to certificate of convenience and necessity No. 617, embraced in the order of the Iowa State Commerce Commission effective August 17, 1953, as restricted. William N. Dunn, Eldora, Iowa 50627, attorney for applicants.

No. MC-FC-71023. By order of February 12, 1969, the Motor Carrier Board approved the transfer to Larsen Equipment Co., a corporation, 1015 West 1700 South, Salt Lake City, Utah 84101, of the operating rights in certificate No. MC-124006 issued October 1, 1968, to Diamond Reo Utah, Inc., doing business as Diamond Reo Utah, Inc., 1045 South Main Street, Salt Lake City, Utah 84111, authorizing the transportation of wrecked and disabled commercial vehicles, by use of wrecker equipment only, between points in Utah, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Utah, and Wyoming.

No. MC-FC-71024. By order of February 12, 1969, the Motor Carrier Board approved the transfer to J. Vincent Murphy Moving & Storage, Inc., Dunstable, Mass., of certificate No. MC-84490, issued February 21, 1956, to J. Vincent Murphy, Dunstable, Mass., authorizing the transportation of household goods between Lowell, Mass., and points in Massachusetts and New Hampshire within 10 miles of Lowell, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut, and household goods as defined by the Commission between Lowell, Mass., and points in Massachusetts within 10 miles of Lowell, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania. Kenneth B. Williams, 111 State Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-71058. By order of February 12, 1969, the Motor Carrier Board approved the transfer to Allen Transfer Co., Inc., Dillwyn, Va. 23936, of certificate No. MC-24999, issued November 29, 1961, to Reppert Investment Co., Inc., 1301 Grand Street, Des Moines, Iowa 50309, authorizing the transportation of: General commodities, with usual exceptions, between points within 5 miles of Des Moines, Iowa, including Des Moines; and household goods between Des Moines, Iowa, on the one hand, and, on the other, points in Nebraska, Illinois, and Minnesota; and household goods between Marshalltown, Iowa, and points in Iowa within 100 miles of Marshalltown, on the one hand, and, on the other, points in Missouri, Kansas, and Oklahoma.

No. MC-FC-71116. By order of February 12, 1969, the Motor Carrier Board approved the transfer to Idaho Packers Express, Inc., Boise, Idaho, of the certificate in No. MC-127309 (Sub-No. 1),

issued June 1, 1967, to Leo E. Thompson, doing business as Idaho Packers Express, Boise, Idaho, authorizing the transportation of meats, meat products, and meat byproducts and articles distributed by meat packinghouses, as described by the Commission, from the plantsite of Stockmen's Meat Packing Corp., at or near Gooding, Idaho, to points in Utah, Nevada, Arizona, Oregon, Washington, Texas, Colorado, Iowa, Illinois, Pennsylvania, New Jersey, New York, Massachusetts, and those in that part of California lying on and north of a line beginning at Fort Bragg, Calif., and extending along California Highway 20 to junction U.S. Highway 40, thence along U.S. Highway 40 to the California-Nevada State line. Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111, attorney for applicant.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2321; Filed, Feb. 25, 1969;
8:48 a.m.]

[Notice 300 A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 20, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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.

No. MC-FC-70617. By order of January 22, 1969, Division 3, acting as an Appellate Division, approved the transfer to Pack Transport, Inc., Idaho Falls, Idaho, of a portion of certificate No. MC-65285, issued September 25, 1958, to Hilmer Lindburg and L. D. Lindburg, a partnership, doing business as Lindburg Truck Line, Mackay, Idaho 83251, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, over regular routes, between Pocatello, Idaho, and Stanley, Idaho, serving specified intermediate and off-route points; and salt, from Magna, Utah, and points within 5 miles thereof, to Mackay, Idaho, and points within Idaho within 100 miles thereof. Max D. Eliason, 3015 Bonnie Brae Avenue, Post Office Box 2602, Salt Lake City, Utah 84110, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-2322; Filed, Feb. 25, 1969;
8:49 a.m.]

[Notice 301]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1969.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), 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-70929. By order of February 13, 1969, the Motor Carrier Board approved the transfer to Millstead Van Lines, Inc., 122 Park Avenue, Bartlesville, Okla. 74003, of certificate No. MC-37203, issued July 24, 1967, to Stella L. Millstead, doing business as Millstead Transfer and Storage, 122 Park Avenue, Bartlesville, Okla. 74003, authorizing the transportation of household goods, as defined by the Commission, between Shawnee, Okla., and points in that part of Oklahoma, Arkansas, Kansas, and Texas within 150 miles of Shawnee, on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Iowa, Kentucky, and Nebraska; between Shawnee, Okla., and points in Oklahoma within 150 miles of Shawnee, on the one hand, and, on the other, points in Arkansas, Kansas, and New Mexico; between points in Oklahoma except those in Oklahoma County, Okla., on the one hand, and, on the other, points in Kansas; between points in Oklahoma, on the one hand, and, on the other, points in Missouri and Texas; between points in McLean County, Ill., on the one hand, and, on the other, points in Indiana, Kentucky, Maine, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and West Virginia, between Tulsa, Okla., and points in Oklahoma within 80 miles of Tulsa, on the one hand, and, on the other, points in Montana, and Wyoming, and between Coffeyville, Kans., and points in within 25 miles thereof, on the one hand, and, on the other, points in Kansas, Missouri, and Oklahoma.

No. MC-FC-71028. By order of February 13, 1969, the Motor Carrier Board approved the transfer to George D. Spencer, doing business as S. D. Spencer & Son, 4614 Northeast 72d Avenue, Vancouver, Wash. 98662, of the operating rights in certificate No. MC-101339 (Sub-No. 1), issued December 11, 1962, to George D. Spencer and Stanley D. Spencer, a partnership, doing business as S. D. Spencer & Son, 4614 Northeast 72d Avenue, Vancouver, Wash. 98662, authorizing the transportation of rock, sand, gravel, and dirt, in dump trucks, and such other bulk commodities as are

transported in dump trucks and can be unloaded by dumping, between points in Clatsop, Columbia, Multnomah, Hood River, Wasco, Sherman, Gilliam, Morrow, and Umatilla Counties, Oreg., and Pacific, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, and Walla Walla Counties, Wash.

No. MC-FC-71090. By order of February 14, 1969, the Motor Carrier Board approved the transfer to George Meade Transfer Co., a corporation, Louisville, Ky., of certificate of registration No. MC-120744 (Sub-No. 1), issued May 9, 1966, to George Meade, doing business as Meade Transfer Co., Neon, Ky., evidencing a right to engage in transportation pursuant to Certificate of Convenience and Necessity No. 873, dated October 6, 1965, issued by the Kentucky Department of Motor Transportation. Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. 40601, attorney for applicants.

No. MC-FC-71115. By order of February 13, 1969, the Motor Carrier Board approved the transfer to Penny Express, Inc., Claymont, Del., of permit No. MC-127299, issued April 28, 1966, to Irving Chernekoff and Norman Chernekoff, a partnership, doing business as Installers Associates, 88 Ruby Drive, Claymont, Del. 19703, authorizing the transportation of: New furniture and new household and office furnishings for the accounts of Cherry's Inc., of Wilmington, Del., W. T. Grant Co., and J. C. Penney Co., Inc., from Wilmington and New Castle, Del., and points in Philadelphia, Delaware, and Montgomery Counties, Pa., to Baltimore, Md., and those in Kent and New Castle Counties, Del., Harford and Cecil Counties, Md., Montgomery, Philadelphia, Delaware, Bucks, Lancaster, Chester, Dauphin, Berks, Northampton, and Lehigh Counties, Pa., and Camden, Burlington, Gloucester, Salem, Middlesex, Atlantic, Ocean, and Mercer Counties, N.J., and return shipments from the above destinations to the above origins. Mr. Norman Chernekoff, Post Office Box 131, Wilmington, Del. 19899, president of transferee.

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 69-2390; Filed, Feb. 26, 1969;
8:49 a.m.]

[Notice 301A]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 24, 1969.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-35428. By application filed February 20, 1969, RICHARD H. ESHE AND LOIS MAE ESHE, doing business as SOUTH PARK MOTOR LINES, 48 East 56th Avenue, Denver, Colo. 80216, seeks temporary authority to lease the operating rights of FAIRPLAY MOTOR COMPANY, Fairplay, Colo. 80440, under section 210a(b). The transfer to RICH-

ARD H. ESHE AND LOIS MAE ESHE, doing business as SOUTH PARK MOTOR LINES, of the operating rights of FAIRPLAY MOTOR COMPANY, is presently pending.

[SEAL]

H. NEIL GARSON,
Secretary.[P.R. Doc. 69-2391; Filed, Feb. 26, 1969;
8:49 a.m.]**SECURITIES AND EXCHANGE COMMISSION**

[81-93]

ALBRIGHT TITLE & TRUST CO. AND ALBRIGHT BOND MORTGAGES**Notice of Application and Opportunity for Hearing**

FEBRUARY 20, 1969.

Notice is hereby given that Albright Title & Trust Co., as trustee of Albright Bond Mortgages, 100 North Main Street, Newkirk, Okla. 74647, a Trust Estate ("Trust"), has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order of the Commission exempting Trust from the provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the Trust from sections 13 and 14 of the Act and any officer, director, or beneficial owner of more than 10 percent of any class of equity security of the Trust from section 16 hereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding \$1 million and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

Trust, which has a fiscal year end of June 30, is presently filing reports pursuant to the requirements of section 15(d) of the Act.

Trust's application states, in part:

1. That it is a trust estate, organized in 1929, under the laws of the State of Oklahoma. Its funds are invested primarily in first mortgages on real estate.

2. That the trust certificates, are issued in varying face amounts in multi-

ples of \$50 and at an interest rate of 5 percent, redeemable upon 30 days written notice at the option of either the investor or the trustee. There is no trading market in the securities and the holders of such certificates do not have voting rights.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than March 14, 1969, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issue of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2363; Filed, Feb. 26, 1969;
8:47 a.m.]

[812-2369]

AMERICAN PACIFIC FUND, INC.

Notice of Filing of Application for Exemption To Sell Shares at Less Than Current Public Offering Price

FEBRUARY 20, 1969.

Notice is hereby given that American Pacific Fund, Inc. ("fund"), 2270 Kalaheua Avenue, Honolulu, Hawaii 96815, a registered, open-end, diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for exemption from the provisions of section 22(d) thereof so as to permit the sale of its shares to owners of certain existing life insurance policies issued by American Pacific Life Insurance Co., Ltd. ("insurance company") or American Pacific Life Insurance Co. of California ("affiliate") at a price different from the price at which shares of the fund are to be sold to the public generally. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The fund was incorporated on April 12, 1962, under the laws of Hawaii and registered as a diversified open-end investment company under the Act on May 16, 1963. Initial capital for the fund was furnished by the insurance company.

Immediately preceding fund's formation, the insurance company was offering

for sale a 20 payment life participating insurance policy with 20 coupons attached ("coupon policy"). Coupons matured annually from the policy date. Among certain coupon policy options available, one provided that the owner had the right to surrender a matured coupon for its cash value which was in turn delivered by the insurance company acting as agent for the policyholder, to Honolulu Trust Co., to be invested in a common trust for the benefit of the policyholders.

Because the coupon policy may have been issued in violation of Federal securities laws, sale of such policies was discontinued. The trust was terminated. At this time the fund was formed and registered, as were its shares.

Coupon policyholders who had matured or partially matured coupons were given the right to forward them to American Pacific Management Corp., the principal underwriter of the fund ("management company"), a wholly owned affiliate of the insurance company, who purchased fund shares with the proceeds. Coupon policyholders who wished, thereafter, to make periodic purchases of the fund shares were requested to execute a Voluntary Accumulation Plan ("plan") which provided for systematic share purchases and for reinvestment of dividends and capital gains at net asset value if desired.

Fund shares are also offered to persons purchasing other insurance policies from the insurance company or the affiliate. Shares are also sold to the public generally whether or not they purchase insurance.

As of the date of the application, no person who was not also a policyholder of the insurance company or the affiliate had executed a plan. There are presently approximately 3,800 persons who participate in plans.

Plan participants are billed at regular periodic intervals by the management company. Approximately two-thirds of the amount billed is forwarded to the insurance company or the affiliate to cover premium payments on the applicable insurance policy and the balance is used to purchase fund shares.

The fund was originally formed in order to satisfy existing contractual obligations between the insurance company and the coupon policyholder and more specifically as an alternative to the coupon feature of the policy. The shares have always been offered for sale at net asset value without creation or redemption fee. Shareholders who are policyholders purchased applicant's shares on the representation that they could purchase shares at net asset value.

At a special meeting of applicant's shareholders, approval was given management to modify the pricing of fund shares to provide for the imposition of a sales charge of 8½ percent of purchase price on the future sale of fund shares with quantity reductions on single sales over \$10,000. Such shareholder approval excepted from the imposition of the stated charge, future periodic purchases of shares by a person having a coupon

policy or other insurance policy and who is making such purchase pursuant to a plan. Such exception was subject to the granting of an appropriate exemption by the Commission from section 22(d) of the Act.

Applicant states that shares would be available at net asset value and without sales charge only pursuant to the following conditions: (1) That the plan was in existence on the date that the imposition of the sales charges takes effect; (2) no alteration or amendments of the plan would be permitted; (3) all plan provisions are fully complied with as to default and intervals of payments; (4) the amount being paid to the fund under the existing plan cannot be varied.

Since the proposed sale of shares to former coupon policyholders and policyholders who have executed a plan, on the basis described above will involve an offering of redeemable securities otherwise than at a current public offering price described in the prospectus within the meaning of section 22(d) of the Act, the applicant requests an exemption under section 6(c) from the provisions of section 22(d) to the extent necessary to permit such sales.

Section 22(d) of the Act, with certain exceptions not pertinent here, provides that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. Section 6(c) of the Act authorizes the Commission by order, upon application, to exempt, conditionally or unconditionally, any transaction from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the requested exemption the application states that the management company and the insurance company or the affiliate are under a legal obligation to sell fund shares to the plan holders who also own coupon policies and under a moral obligation to do the same for all other existing plan holders. No new expenses would be incurred by the enumerated group nor would applicant, or its principal underwriter have any selling costs since such group would merely continue to be billed under the plan. Applicant further states that the class of persons for which the exemption is sought will inevitably become smaller and self-liquidating and that to charge them a sales load would create a windfall for the principal underwriter who does not desire it.

Notice is further given that any interested person may, not later than March 12, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that

he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the persons being served are located more than 500 miles from the point of mailing) upon the fund at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2364; Filed, Feb. 26, 1969;
8:47 a.m.]

[File No. 1-3909]

BSF CO.

Order Suspending Trading

FEBRUARY 20, 1969.

The capital stock (66 $\frac{2}{3}$ cents par value) and the 5 $\frac{1}{4}$ percent convertible subordinated debentures due 1969 of BSF Co. being listed and registered on the American Stock Exchange, and such capital stock being listed and registered on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934; and all other securities of BSF Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in the said capital stock on such exchanges and in the debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 24, 1969, through March 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2365; Filed, Feb. 26, 1969;
8:48 a.m.]

CAPITOL HOLDING CORP.

Order Suspending Trading

FEBRUARY 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading otherwise than on a national securities exchange in the common stock and all other securities of Capitol Holding Corp. is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 24, 1969, through March 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2366; Filed, Feb. 26, 1969;
8:48 a.m.]

[File No. 7-3039]

CLOROX CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 19, 1969.

In the matter of application of the Cincinnati Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Clorox Co., File No. 7-3039.

Upon receipt of a request, on or before March 6, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2367; Filed, Feb. 26, 1969;
8:48 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 20, 1969.

In appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 21, 1969, through March 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2368; Filed, Feb. 26, 1969;
8:48 a.m.]

[File No. 7-3038]

GULF RESOURCES & CHEMICAL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

FEBRUARY 19, 1969.

In the matter of application of the Spokane Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f) (1) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Gulf Resources & Chemical Corp., File No. 7-3038.

Upon receipt of a request, on or before March 6, 1969, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2369; Filed, Feb. 26, 1969;
8:48 a.m.]

[File No. 1-4340]

MILL FACTORS CORP.

Order Suspending Trading

FEBRUARY 20, 1969.

The common stock, \$2.50 par value, of Mill Factors Corp. being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mill Factors Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 22, 1969, through March 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2370; Filed, Feb. 26, 1969;
8:48 a.m.]

[File No. 1-3468]

MOUNTAIN STATES DEVELOPMENT CO.

Order Suspending Trading

FEBRUARY 20, 1969.

The common stock, 1 cent par value, of Mountain States Development Co. being listed and registered on the Salt Lake Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Mountain States Development Co. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the Salt Lake Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period February 24, 1969, through March 5, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2371; Filed, Feb. 26, 1969;
8:48 a.m.]

[812-2373]

MUTUAL LIFE INSURANCE COMPANY OF NEW YORK AND MONY VARIABLE ACCOUNT A

Notice of Application for Exemptions

FEBRUARY 20, 1969.

Notice is hereby given that The Mutual Life Insurance Company of New York ("MONY"), a mutual life insurance company organized under the laws of the State of New York, and The MONY Variable Account A ("Account A"), 1740 Broadway, New York, N.Y. 10019 (herein collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of exemption to the extent noted below from the provisions of sections 15(a), 16(a), 17(f), 22(d), 22(e), 27(a)(3), 27(a)(4), 27(c)(1), 27(c)(2), and 32(a)(2) of the Act and Rule 17f-2 thereunder. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein, which are summarized below.

MONY established Account A on July 31, 1968, pursuant to the provisions of section 227 of the New York Insurance Law for the purpose of providing an investment medium for certain variable annuity contracts ("Contracts") to be issued by MONY and Account A. The Contracts are designed to provide fixed and variable retirement benefits pursuant to plans qualifying under sections 401, 403(a), or 403(b) of the Internal Revenue Code ("Code"), and to individuals under Contracts not issued under any such tax benefited plans. Account A is an open-end, diversified management investment company registered under the Act.

Sections 15(a), 16(a), and 32(a)(2), in substance, require shareholder approval of the investment advisory agreement, the election of directors by shareholders, and shareholder ratification of the selection of an independent public accountant, respectively. The rules and regulations of Account A provide for an annual meeting of the Contract holders to be held on May 15th of each year.

Applicants propose to defer the first meeting of Contract holders until there are at least 500 holders of beneficial interest in Account A, or until 9 months have elapsed since the first variable annuity contract participating in Account A has been issued, whichever is sooner. At that time a meeting of Contract holders will be scheduled to consider the election of the members of the Account A Committee, approval of the Investment

Management Agreement, and ratification of the selection of the independent public accountant. Applicants request exemption from the provisions of sections 15(a), 16(a), and 32(a)(2) of the Act so that Account A's investment adviser, Committee members and independent public accountants can serve without approval, election or ratification, respectively, by the persons entitled to vote thereon until the first meeting of Contract holders shall take place as above proposed.

Section 17(f) provides, in pertinent part, that a registered investment company may maintain its securities and similar investments in its own custody in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors.

Rule 17f-2(b) requires, in pertinent part, that such assets be placed in a bank or other company whose functions and physical facilities are supervised by Federal or State authority. The application states that the vault maintained by MONY is similar or superior in every respect to the vaults in most banks and that MONY keeps therein securities and other investments of a value in excess of \$2 billion. Furthermore, in accordance with its Code of Organization, MONY has adopted detailed and extensive regulations governing security precautions for and access to the securities in its vault and the several safes therein, which are intended to provide full protection against loss or theft. In this connection, MONY is subject to extensive supervision and regulation by the Insurance Department of the State of New York which conducts periodic examinations of the functions, physical facilities and all other aspects of MONY's business. Applicants propose to keep the assets of Account A in a separate safe within MONY's vault, physically segregated from MONY's other assets. Accordingly, Applicants request exemption from the provisions of section 17(f) of the Act and Rule 17f-2(b) thereunder to permit custody of the securities and similar investments of Account A to be held by MONY in MONY's own vault.

Rule 17f-2(d), in pertinent part, limits access to the securities and similar investments of a registered management investment company to persons designated in a resolution of the board of directors of such investment company and requires that such designees be officers or responsible employees of such investment company, and that access be had only by two or more designees jointly, at least one of whom shall be an officer. Applicants state that MONY has existing regulations and procedures concerning access to its vault and the safes therein which are comparable to those of Rule 17f-2(d). These regulations and procedures are fully described in the application. Applicants request an exemption from the provisions of section 17(f) and Rule 17f-2(d) to the extent necessary to permit access to the vault and to securities therein of Account A by New

York State Examiners, representatives of MONY's certified public accountants and such persons as may be designated pursuant to authority of the Board of Trustees of MONY, in accordance with MONY's regulations and procedures for access to its vault and the safes within.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. This section has been construed as requiring that the sales charge, expressed as a percentage of the offering price, be imposed without variation on every sale by the issuer of its redeemable securities.

The Contracts will be offered on an individual and group basis. The Contracts to be offered to individuals will provide for the following scale of sales charges and administrative expense charges. From the amount of the first payment there will be deducted a one-time charge of \$10 which is represented to be for "administrative set-up expenses." In addition, there will be deducted from each payment, including the first, the charges mentioned below (the percentage being, in the case of the initial payment, a percentage of the amount of such payment after deduction of the \$10 one-time charge and any applicable premium taxes and, in the case of each subsequent payment, a percentage of the amount of the payment after deduction of any applicable premium taxes):

	Sales charge (percent)	Administrative expense charge (percent)
On each payment until aggregate of all such payment totals \$15,000.....	6½	1½
On each payment made after aggregate reaches \$15,000.....	3	1½

The Contracts to be offered to individuals will provide for payment to the beneficiary of a Contract holder of at least the amount of gross payments paid in the event of the death of the Contract holder prior to the commencement of annuity payments. Such Contracts will provide that for this minimum death refund there will be deducted from each payment paid by the Contract holder a charge of three-fourths of 1 percent.

The Contracts to be offered to groups will neither provide for payment of a minimum death refund, nor for a fixed one-time deduction from the initial or any other payment for administration set-up expenses. Such group Contracts will provide for the following scale of sales charges and administrative expense charges to be deducted from each person's payments (the percentage in each case being a percentage of the amount of the payment after deduction of applicable premium taxes, if any):

	Sales charge (percent)	Administrative expense charge (percent)
During the first 2 years of the person's participation. During all times subsequent to the first 2 years of the person's participation.....	5½	2½
	2½	2½

In the absence of an exemptive order of the Commission, Applicants' proposed scale of charges applicable to Contracts to be offered to individuals may be prohibited by section 22(d) in that the \$10 deduction from the initial payment on individual Contracts, if considered to be a part of the sales charge, would result in a varying, rather than a uniform, sales charge when expressed in terms of a percentage of the offering price, depending on the amount of the payment. Applicants request an exemption from section 22(d) so as to permit the deduction of the \$10 charge from the initial payment.

Rule 22d-1(e), in pertinent part, provides an exemption from the provisions of section 22(d) so as to permit reductions in, or elimination of, the sales load upon the sale pursuant to a uniform offer described in the prospectus and made to tax exempt organizations enumerated in section 501(c) (3) or (13) of the Code, or employees trusts, pension, profit-sharing, or other employee benefit plans qualified under section 401 of the Internal Revenue Code.

Applicants propose initially to offer group Contracts at prices reflecting reduced sales charges to public school systems qualified for tax deferred treatment under section 403(b) of the Code as well as tax-exempt organizations enumerated in section 501(c) (3) of the Code. Applicants request an exemption from section 22(d) of the Act so as to permit the reduced scale of sales charges proposed with respect to the group Contracts because section 403(b) of the Code qualifies public school systems for deferred tax treatment under section 403 (b) of the Code in the same manner as tax exempt organizations enumerated in section 501(c) (3) of the Code.

Rule 22d-1(a), among other things, provides an exemption from the provisions of section 22(d) so as to permit a registered investment company to reduce or eliminate the sales load on its securities in accordance with a scale of reducing sales load varying with the quantity of securities purchased, which may include redeemable securities of other registered investment companies having the same principal underwriter as the issuer of such securities. Under the Contracts the same sales charge is deducted from payments made by the purchaser whether all payments are allocated to Account A, a registered investment company, or a portion of the payments are allocated to a fixed accumulation account, which is not a registered investment company. Thus, when any portion of the payments paid is allo-

cated to a fixed accumulation account the reduction in sales load on individual Contracts, which reduction becomes operative when the gross payments reach \$15,000, will be based on a scale varying in accordance with circumstances not enumerated in the rule. The Contract also permits a purchaser, on or before the maturity date of the Contract, to transfer the funds in a fixed accumulation account to Account A without payment of any sales or other charges.

Applicants request exemption from section 22(d) so as to permit (1) the proposed reduction of the sales load on individual Contracts when cumulative gross payments, whether allocated to Account A or to Account A and to a fixed accumulation account, reach \$15,000, and (2) the transfer of funds as provided in the Contract from a fixed accumulation account to Account A without the imposition of any additional sales charge.

The Contracts provide that in the event of the death of the Contract purchaser prior to the maturity date of the Contract the Contract purchaser's beneficiary is entitled to receive the greater of (1) the value of the total accumulations under the Contract, or (2) the gross amount of payments made on the Contract. Thus, the beneficiary may be entitled to receive the value of the Contract purchaser's interest in Account A, the value of the Contract purchaser's interest in a fixed accumulation account (if the Contract purchaser allocated a portion of his payments to such an account), or funds payable from the general accounts of MONY (if the value of the Contract purchaser's total accumulations under the Contract are less than the gross amount of payments made under the Contract). The Contract permits the beneficiary, upon the Contract purchaser's death, to use these amounts, including those not derived from Account A, to effect various settlement options through the use of Account A, without the imposition of any sales charge or any other charge. Applicants request an exemption from section 22(d) so as to permit the beneficiary to transfer to Account A those amounts not derived therefrom without deductions for sales charge.

Applicants also request exemption from the provisions of section 22(d) so as to permit the holders of both individual and group Contracts to participate in the divisible surplus of MONY. There is an annual determination by the Board of Trustees of MONY of the amount of surplus, if any, which may prudently be distributed and the manner in which that amount shall be distributed. Since the crediting of divisible surplus is expected to be based upon all aspects of MONY's experience with a class or group of Contracts any such crediting may reflect a reduction in charges for various factors, including sales expense or administrative expense, or both.

Sections 22(e) and 27(c) (1) provide, respectively, in pertinent part, (1) that a registered investment company may not suspend the right of redemption or

postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption, and (2) that a registered investment company issuing periodic payment plan certificates may not sell such certificates unless such certificates are redeemable securities.

Applicants represent that the annuity payments under a Contract are based on mortality tables which take account of the average mortality experience to be expected among the group of lives receiving benefits under the Contracts. These tables reflect the assumption that funds available because of deaths prior to the average future lifetime will offset payments made to annuitants who survive the average future lifetime.

Applicants state that if the right to redeem Contracts after retirement for cash were allowed, those annuitants who believe themselves to be in failing health would tend to redeem their Contracts. Such redemption of Contracts would alter the average mortality experience of the continuing group, which, in time, would operate to reduce the funds available for annuity payments to the continuing group. Applicants, therefore, request exemption from sections 22(e) and 27(c) (1) to eliminate the right of redemption of the Contracts once payments have commenced under any form of life annuity.

Section 27(a) (3), in pertinent part, prohibits the issuance of periodic payment plan certificates by a registered investment company if the amounts deducted as sales load from all payments subsequent to the first 12 monthly payments are not proportionately alike. As noted above, the group Contracts provide for deductions from each payment made by an individual for the first 2 years of participation of amounts equal to 5½ percent of each payment for sales charges and 2½ percent of each payment for administrative expense charge and for deductions from subsequent payments of amounts equal to 2½ percent of each payment for sales charge and of 2½ percent for administrative expense. Thus, the deductions for sales load for the third and subsequent years are not proportionately equal to the sales load deductions for the second year. Applicants request an exemption from section 27(a) (3) so as to permit the issuance of the Contracts described with the scale of deductions provided therein.

Section 27(a) (4), in pertinent part, prohibits a registered investment company from issuing any periodic payment plan certificate if the initial payment on such certificate is less than \$20. Applicants request an exemption from the provisions of this section to allow an initial payment of not less than \$10 in connection with the group Contracts meeting the requirements of section 403 (b) of the Code. Payments under these Contracts will be made by payroll deductions. Since payments subsequent to the initial one may be less than \$20, this exemption is requested to allow an initial

payroll deduction of the same amount as subsequent payroll deductions, thus reducing the administrative and accounting burdens of employers in making the payroll deductions.

Section 27(c) (2) prohibits a registered investment company or a depositor or underwriter for such a company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 26(a) (2) and (3) for trust indentures of a unit investment trust.

Applicants state that the proceeds from payments made by Contract purchasers, after applicable deductions, and the portfolio of securities in which they will be invested, will constitute Account A and will be chargeable only with liabilities arising out of such Contracts. Applicants state also that MONY is subject to extensive and detailed supervision and inspection by the Superintendent of Insurance of the State of New York, and that such control provides ample assurance against misfeasance and affords, in essence, the protection for the funds of investors which a trusteeship would provide. Further, Applicants state that under New York law the contractual obligations of MONY to the Contract holders cannot be abandoned until such obligations have been discharged. Applicants request an exemption from section 27(c) (2) so as to permit the proceeds of all payments on the Contracts to be held by MONY.

Applicants have agreed that any order of the Commission granting the requested exemptions from the provisions of section 27(c) (2) may be made subject to the following conditions:

(1) That the charges under the variable annuity contracts for administrative expenses shall not exceed such reasonable amounts as the Commission shall prescribe, and that the Commission shall reserve jurisdiction for such purpose; and

(2) That the payment of sums and charges out of the assets of Account A shall not be deemed to be exempted from regulation by the Commission by reason of said order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in Account A other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or ap-

propriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than March 10, 1969 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2372; Filed, Feb. 26, 1969;
8:48 a.m.]

TELSTAR, INC.

Order Suspending Trading

FEBRUARY 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Telstar, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 24, 1969, through March 5, 1969, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 69-2373; Filed, Feb. 26, 1969;
8:48 a.m.]

TEXAS URANIUM CORP.**Order Suspending Trading**

FEBRUARY 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Texas Uranium Corp., Salt Lake City, Utah, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 23, 1969, through March 4, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 69-2374; Filed, Feb. 26, 1969;
8:48 a.m.]**TOP NOTCH URANIUM AND MINING CORP.****Order Suspending Trading**

FEBRUARY 20, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Top Notch Uranium and Mining Corp. (a Utah corporation), and all other securities of Top Notch Uranium and Mining Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period Feb-

ruary 22, 1969, through March 3, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 69-2375; Filed, Feb. 26, 1969;
8:48 a.m.]

[File Nos. 7-3035, 7-3037]

TRAVELERS CORP. AND PIONEER SYSTEMS, INC.**Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing**

FEBRUARY 19, 1969.

In the matter of applications of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Travelers Corp.	7-3035
Pioneer Systems, Inc.	7-3037

Upon receipt of a request, on or before March 6, 1969, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission,

Washington, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 69-2376; Filed, Feb. 26, 1969;
8:49 a.m.]

[File No. 1-4371]

WESTEC CORP.**Order Suspending Trading**

FEBRUARY 20, 1969.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 21, 1969 through March 2, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 69-2377; Filed, Feb. 26, 1969;
8:49 a.m.]

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PART II

Guide to Record Retention Requirements (Title 1, Appendix A)



GUIDE TO RECORD RETENTION REQUIREMENTS

(1 CFR, Appendix A)

REVISION AS OF JANUARY 1, 1969

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 1968, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1968.

The Guide is prepared by the Office of the Federal Register, National Archives and Records Service, General Services Administration.

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. Renumbering 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, 1969.

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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 6.28

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.

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.

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 [Reserved]

1.5 Feed grain exporters participating in the Feed Grain Export Program.

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 3 years after date of export. 7 CFR 1484.137

1.6 Exporters participating in the dairy products export programs.

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 1485.216, 1485.266

1.7 Private organizations or individuals which enter the private trade agreements pursuant to Title IV of Public Law 480.

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).

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

1.9 Exporters or purchasers participating in the flaxseed and linseed oil export payment-in-kind program.

To maintain records of flaxseed or linseed oil exported or to be exported and any documents relating to any transaction in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1486.137

1.10 Exporters of agricultural commodities under CCC export credit sales program.

To keep books, documents, papers, and records involving transactions relating to contracts between the exporter and the importer.

Retention period: 3 years after maturity of related credit arrangement. 7 CFR 1488.17

1.11 Importers and suppliers involved in sales of agricultural commodities.

(a) Importers—to maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

(b) Suppliers—to maintain accurate books, records, and accounts with respect to all contracts entered into hereunder.

Retention period: Until expiration of 3 years after final payment under such contracts. 7 CFR 11.6, 11.17, 17.6, 17.17

2. Consumer and Marketing Service

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

2.4a Pear, plum, and peach handlers in California.

To maintain records of fruits received and disposed of as necessary to verify

reports submitted to the Control Committee.

Retention period: 2 fiscal years. 7 CFR 917.50

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, 950.80, 953.75

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 948.80, 950.80, 953.75

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 [Reserved]

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

2.13a Celery producers and handlers in Florida.

To maintain records to substantiate the reports required by the Florida Celery Committee.

Retention period: Not less than 1 year after end of season. 7 CFR 967.46

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.

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, 989.77, 989.176

2.20 Olive handlers.

To maintain records of olives acquired, held, and disposed of as may be prescribed by the Olive Administrative Committee and needed by it to perform its functions.

Retention period: At least 2 years beyond the crop year in which the transaction occurred. 7 CFR 932.61

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, 993.174

2.21a Cranberry handlers.

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

2.21b Pear handlers.

To maintain records of pears received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 931.60

2.21c Hops handlers.

To maintain such records of hops handled or held as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year. 7 CFR 991.61

2.21d Handlers (including each subsidiary and affiliate thereof) of Type 62 Shade Tobacco.

To keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not limited to, identification of the grower of the tobacco and the field in which produced.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

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

2.23 Commission merchants, dealers, and brokers of fruits and vegetables subject to the Perishable Agricultural Commodities Act of 1930.

(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

2.24 Cooperating State agencies and participating public and private schools in the National School Lunch program.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 210.8, 210.13

2.24a Cooperating State agencies and participating public and private schools in the Special Food Service Program for Children. [Added]

To maintain records as specified in the regulations.

Retention period: 3 years and 3 months after the end of the Federal fiscal year to which they pertain. 7 CFR 225.7, 225.14, 225.18

2.25 Cooperating State agencies, participating public and private schools, and institutions in the Special Milk program.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 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

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. 7 CFR 250.6, 250.8, 251.9.

2.27 State and State educational agencies, public and private schools participating in the school breakfast and nonfood assistance programs. [Amended]

To maintain accounts and records as specified in sections cited.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.7, 220.23, 220.24, 220.25

2.27a State agencies participating in the food stamp program. [Amended]

To keep such records, or an approved list in lieu of records, and submit such reports and other information as may from time to time be required by C&MS.

Retention period: (a) For unlisted records, or list in lieu of records, 3 years from the close of the Federal fiscal year to which they pertain, or longer if instructed in writing by C&MS or the Department; (b) for records covered by an approved list, 1 year from the close of the Federal fiscal year to which they pertain, or longer if instructed in writing by C&MS or the Department. 7 CFR 1601.8

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

2.28a Exporters participating in the chicken export payment program.

To maintain accurate records relating to all chickens exported or to be exported in connection with the program.

Retention period: 3 years after date of export. 7 CFR 207.13

2.29 Dairy plants approved for USDA inspection and grading service.

To maintain (a) records of quality tests made on raw milk and cream received from each producer, seller, or shipper and of plant and laboratory tests and analyses of raw materials and

finished products, (b) pasteurization recorder charts and water supply test certificates, and (c) most recent copy of employee health certificate.

Retention period: (a) 1 year, (b) 6 months, (c) until employee no longer employed. 7 CFR 58.148, 58.322

2.30—2.37 [Reserved]

2.38 Licensed agricultural products warehousemen.

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 111.18

2.39 Licensed agricultural products 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, 111.33

2.40 Licensed agricultural products 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, 111.34

2.41 Licensed agricultural products 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: 6 years after December 31 of the year in which created and for such longer period as may be necessary for the purposes 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 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 111.41

2.42 Licensed agricultural products warehousemen.

Shall keep on file an exact copy of each report required to be submitted by such warehouseman.

Retention period: 3 years after December 31 of the year in which submitted. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 111.44

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 after December 31 of the year in which the receipt based on such certificates or memoranda is canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse. 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, 111.70

2.46 Licensed agricultural products warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56

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: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse. 7 CFR 102.30

2.48 Licensed agricultural products warehousemen.

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 102.54, 103.39, 106.48, 107.51, 108.42, 111.52

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations.

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce, including records necessary to disclose the name of any substance used in the treatment of such seed.

Retention period: 3 years for documents, 1 year for seed samples, including separate samples of the treated seed portion of any lot of seed. 7 CFR 201.4-201.7a

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)

2.53 Cotton handlers.

To maintain books and records necessary to carry out the provisions of the Cotton Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond the marketing year of their applicability. 7 CFR 1205.335, 1205.531, 1205.532

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 [Reserved]

2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

2.57 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: 3 years after date of last payment or 2 years after date of audit by USDA, whichever is later. 7 CFR 208.18

2.58—2.59 [Reserved]

2.60 Milk handlers.

To maintain records pertaining to receipt and use of milk and milk products, including records of production, processing, and distribution, and financial records relating thereto.

Retention period: 3 years, but can be extended by the market administrator by written notice. 7 CFR Parts 1001-1159 (See specific milk marketing area.)

2.61 Carriers transporting meat.

To keep original certificates delivered to a carrier separate and apart from all its other papers and records or identified in some acceptable manner so as to be readily accessible for review.

Retention period: 1 year. 9 CFR 325.15

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, Veterinary Biologics 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, Veterinary Biologics Division. 9 CFR 116.2 (retention: 116.3)

3.3 Distributors of biological products marketed under special license. [Added]

To keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser when the maintenance of records of distribution of biological products marketed under special license is a condition of the issuance of the special license.

Retention period: Not specified. 9 CFR 102.6(b) (3)

3.4 Operators of approved feed lots. [Revised]

To keep records of vaccination and disposition of all animals and to keep an inventory of animals showing the daily admission to and removal from the premises.

Retention period: 1 year. 9 CFR 120.9

3.5 [Combined with 3.4]

3.6 Research investigators or research sponsors administering experimental biological products to animals.

To maintain adequate records relative to the disposition of each animal administered experimental biological products. Such records include name and address of owner, pertinent data about animals and their location, and, if sold, name and address of purchaser.

Retention period: At least 2 years from the date that an experimental product was administered to such animal. 9 CFR 103.2

3.7 [Reserved]

3.8 Research facilities and dealers engaged in transportation, sale, and handling of dogs, cats, and certain other animals used for research or experimentation, or for other purposes.

To keep records with respect to the purchase, sale, transportation, identification, and previous ownership of dogs

and cats but not monkeys, guinea pigs, hamsters, or rabbits.

Retention period: 1 year or longer, as may be required by any Federal, State, or local law. 9 CFR 2.75, 2.76 (retention: 2.77)

4. Agricultural Stabilization and Conservation Service

4.1 [Reserved]

4.2 Producers of gum naval stores from turpentine trees. [Amended]

To keep records of faxes by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 1967—7 CFR 706.506; 1968—7 CFR 706.606 (retention: 7 CFR 708.1)

4.2a Food processors participating in the wheat marketing allocation program.

To maintain records and documents for each processing plant of all wheat processed into food products and of all sales and removals of food products from processing plants.

Retention period: 3 years. 7 CFR 777.15

4.2b Exporters of wheat.

To maintain records (including export sales contracts or agreements, bills of lading or delivery documents, inspection and weight certificates) of all exportations of wheat.

Retention period: 3 years after date of export. 7 CFR 778.13

4.2c Handlers under milk indemnity program.

To keep existing books, records, and accounts supporting any information furnished in connection with the program.

Retention period: 3 years following the end of the year during which application for payment was filed. 7 CFR 16.17

4.3 Ginners of 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) name and address of person delivering cotton to gin; and (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale.

Retention period: ¹Until December 31 of second year following year in which cotton is planted. 7 CFR 722.89 (retention: 722.92)

4.4 Buyers of 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; and (e) amount of penalties to be collected, if any.

Retention period: ¹Until December 31 of second year following year in which cotton is planted. 7 CFR 722.90 (retention: 722.92)

4.5—4.6 [Reserved]

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling 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: ¹Until December 31 of second year following year in which cotton is planted. 7 CFR 722.91 (retention: 722.92)

4.8 Producers of cotton.

To keep records of cotton marketed; and a copy of certificate showing name and address of buyer or transferee if marketed to persons not within the United States.

Retention period: ¹Until December 31 of second year following year in which cotton is planted. 7 CFR 722.94

4.9 Producers and producer-manufacturers of burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland 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 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: ¹1968-69 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.95 (retention: 724.109)

4.10 Producers of flue-cured tobacco.

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 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: ¹1966-67 and succeeding marketing years—2 years after end of marketing year. 7 CFR 725.98 (retention: 725.107)

4.11 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

¹For such longer period of time as may be requested in writing by the State Executive Director or the Director.

and maintain records of sale and disposition of tobacco; and to keep copies of required reports.

Retention period: ¹1968-69 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.101, 724.109

4.12 Truckers and persons redrying, prizing, or stemming burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and 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: ¹1968-69 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.103 (retention: 724.109)

4.13 Truckers and persons redrying, prizing, or stemming flue-cured tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: ¹1966-67 and succeeding marketing years—2 years after end of marketing year. 7 CFR 725.101 (retention: 725.107)

4.14 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: ¹1968-69 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.96-724.98 (retention: 725.109)

4.15 Warehousemen handling flue-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: ¹1968-69 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.96-724.98 (retention: 725.107)

4.16 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and Maryland tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: ¹1968-69 and succeeding marketing years—2 years after end of marketing year. 7 CFR 724.99 (retention: 724.109)

4.17 Dealers handling flue-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: ¹1966-67 and succeeding marketing years—2 years after

end of marketing year. 7 CFR 725.100 (retention: 725.107)

4.18—4.26 [Reserved]

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. 7 CFR 728.1173, 728.1174, 728.1177

4.27a Industrial users of flour second clears.

To maintain accurate records and documents supporting information shown on Form CCC-161 (Industrial Users Production Report and Claim for Refund).

Retention period: 3 years. 7 CFR 777.19

4.27b Distributors of flour second clears.

To maintain accurate records and documents, including Forms CCC-165 (Processor Certification) and CCC-165-1 (Flour Second Clears), relating to the sale of flour second clears to industrial users.

Retention period: 3 years. 7 CFR 777.20

4.28 Peanut producers. [Amended]

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: ¹3 years following end of pertinent marketing year. 7 CFR 729.52 (retention: 729.66)

4.29 Peanut buyers. [Amended]

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: ¹3 years following end of pertinent marketing year. 7 CFR 729.57 (retention: 729.66)

4.30 Peanuts shellers. [Amended]

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: ¹3 years following end of pertinent marketing year. 7 CFR 729.62 (retention: 729.66)

4.30a Driers of farmers stock peanuts. [Added]

To maintain records as specified in the regulations.

Retention period: ¹3 years following end of pertinent marketing year. 7 CFR 729.60, 729.61 (retention: 729.66)

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 730.34, 730.35, 730.38

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, inventories, 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

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, gallonages, 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 [Deleted]

4.36 Employers of Virgin Islands apprentice operators of mechanical loaders and tractors in the sugar industry.

To maintain complete wage records of person employed.

Retention period: 2 years following date on which application for Sugar Act payment is filed. 7 CFR Part 868

4.37 Employers of Virgin Islands handicapped workers in the sugar industry.

To maintain complete wage records of persons employed.

Retention period: 2 years following date on which his application for Sugar Act payment is filed. 7 CFR Part 868

4.37a Producers of sugar beets and sugarcane.

To maintain complete wage records of persons employed in the production, cultivation, or harvesting of sugar beets and sugarcane.

Retention period: 2 years (sugar beets); 3 years (sugarcane). 7 CFR Parts 862, 863, 864

4.37b Farm operators participating in the Sugar Act payment program.

To maintain a record of excess acreage in each field or parts of fields and the

¹ For such longer period of time as may be requested in writing by the State Executive Director or the Director.

method and purpose of disposal of sugarcane grown in excess of acreage in each such case.

Retention period: Until receipt of Sugar Act payment for the applicable crop year. 7 CFR Part 855

5. Commodity Credit Corporation

5.1 Warehousemen handling storage agreements for bulk oils.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1424.2

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. 7 CFR 1443.2050 (1966); 7 CFR 1443.2067 (1967); 7 CFR 1443.67 (1968)

5.3 Cooperative marketing associations of producers participating in the Tung Nut Price Support program.

To maintain detailed records as specified pertaining to quantities of tung nuts and tung nut oil obtained and processed.

Retention period: 1963 and succeeding crop years—3 years after December 31 of the crop year to which they pertain, 7 CFR 1443.333

5.3a Cooperative marketing associations participating in the tung oil warehouse-stored loan and purchase program.

To maintain a record of quantity of tung oil eligible for price support delivered to associations by eligible producer-members and record of quantity of ineligible tung oil, showing source and disposition.

Retention period: At least until October 31, 1970. 7 CFR 1421.3577

5.4 Peanut shellers participating in the Peanut Price Support program. [Amended]

To keep accounts with respect to the purchase and sale of crop peanuts, including types, grades, quality, weight, names and addresses of producers and purchasers, and date and place of each transaction.

Retention period: 3 years after final delivery of peanuts to CCC. 7 CFR 1446.1648 (1966); 7 CFR 1446.19 (1967 and subsequent years)

5.5 Mohair producers participating in the Payment Program for Mohair, and their marketing agencies.

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 1468.227, 1468.272

5.6 Wool producers participating in the Incentive Payment Program for Shorn Wool, and their marketing agencies.

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 after end of specified marketing year. 7 CFR 1472.1158, 1472.1251

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.

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 after end of specified marketing year. 7 CFR 1472.1158, 1472.1251

5.8 Persons purchasing farmers stock peanuts from producers for sale to shellers.

To keep accounts of the quality and prices paid to them for each lot of farmers stock peanuts sold to a sheller participating in the price support program.

Retention period: Until December 31, 1969, 7 CFR 1446.1618 (1965); until December 31, 1970, 7 CFR 1446.1648 (1966); 1967 and subsequent years—until December 31 of the third year following date of purchase, 7 CFR 1446.19

5.9 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the Livestock Feed Program.

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 Dealers participating in the Puerto Rican Tobacco Purchase Program. [Added]

To keep records with respect to all transactions relating to the tobacco of any crop year during which tobacco is sold to CCC.

Retention period: 3 years after delivery of tobacco to CCC. 7 CFR 1464.1787

5.11 Exporters and purchasers participating in the Commodity Credit Corporation's wheat and wheat flour export payment programs under the International Grains Arrangement. [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: 3 years after final payment. 7 CFR 1483.184, 1483.284

5.12—5.14 [Reserved]

5.15 Cotton handlers participating in the cotton equalization program.

To maintain books, records, and documents pertinent to any transaction under this program.

Retention period: Until July 31, 1969. 7 CFR 1427.1970

5.16 [Reserved]

5.17 Producers participating in the honey price support program.

To maintain (1) records of quantity of eligible honey for price support and (2) record of honey purchased or acquired which is ineligible for price support showing source and disposition.

Retention period: 5 years. 7 CFR 1434.56

5.18 Cotton ginner's participating in the cottonseed purchase program. [Revised]

To keep books, records, and accounts for all purchases of cottonseed (including name of producer, date of receipt, weight, and purchase price of each lot) and other transactions.

Retention period: 3 years from last day any cottonseed is tendered to CCC for purchase under the applicable Participating Ginner's Agreement. 7 CFR 1443.13

5.19 Cooperative marketing associations participating in the price support program.

To maintain records showing quantity, quality, and disposition of commodities (cotton, dry edible beans, honey, rice, soybeans, tung oil) eligible for price support received from each member. The same records to be kept for commodities received from nonmembers which are ineligible for price support.

Retention period: Through end of the 5th marketing year following the marketing year for which approval is obtained. 7 CFR 1425.17, 1425.18

5.20 Exporters participating in the tobacco export program.

To maintain accurate records (including contracts of purchase, sale, and storage) establishing eligibility of tobacco for export payments made to exporters under the program.

Retention period: 3 years after date of export. 7 CFR 1490.10

6. Commodity Exchange Authority

6.1 Futures commission merchants and clearing organizations of contract markets depositing customers' money, securities, and property. [Amended]

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the money, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of such bank account.² 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants and clearing organizations of contract markets depositing obligations purchased with customers' funds. [Amended]

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of account.² 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants and clearing organizations of contract markets. [Amended]

To keep the following records of 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, identity of depositories or other places where such obligations are segregated, date disposition made and amount received therefor, name of person to or through whom sold.

Clearing organizations receiving documents from members representing investment of customers' funds shall also keep a record showing separately for each member the date on which documents were received from member, description of documents, date on which documents were returned to member, or details of disposition by other means.

Retention period: 5 years after investment liquidated or loan paid.² 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.² 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.² 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.² 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

² 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.

as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.² 17 CFR 1.34 (retention: 1.31)

6.8 [Reserved]

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.

Retention period: 5 years.² 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 floor trader executing each transaction, a symbol indicating the customer type, the opposite broker or floor trader, and the opposite clearing member with whom it was made).

Retention period: 5 years.² 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants and clearing organizations of contract markets. [Amended]

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, identity of depositories or other places where such securities or property are segregated, date received and returned or otherwise disposed of, including authorization therefor.

Retention period: 5 years from date of return of property.² 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.² 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.² 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.² 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 all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts.

Retention period: 5 years.² 17 CFR 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. 7 CFR 1802.3

7.2 Local organizations obtaining watershed loans and advances under the Watershed Protection and Flood Prevention Act.

To maintain accounts and records relating to the installation, operations, and maintenance of works of improvement.

Retention period: 1 year after the year to which such records pertain. 7 CFR 1823.155

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation. [Amended]

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, sugar beets, sugarcane, 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 401.111, sec. 17

8.2 Persons holding tung nut crop insurance contracts.

To maintain records of harvesting, storage, shipments, sale, or other disposition of all insured crop produced on each unit covered by contract, and separate records showing same information for

production on any uninsured acreage of the insured crop in the county.

Retention period: 2 years after the time of damage. 7 CFR 407.6, sec. 21

9. Packers and Stockyards Administration

9.1 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

9.2 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

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. 9 CFR 201.42 (retention: 201.50)

9.3 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

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. 9 CFR 201.45 (retention: 201.50)

9.4 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years. 9 CFR 201.46 (retention: 201.50)

9.5 Sellers of live poultry under Packers and Stockyards Act regulations.

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. 9 CFR 201.48 (retention: 201.50)

9.6 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

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 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. 9 CFR 201.49 (retention: 201.50)

9.7 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 Area Supervisor of the Service).

Retention period: 2 years. 9 CFR 201.49 (retention: 201.50)

9.8 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.* 9 CFR 201.89

9.9 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 in-

* Records shall not be destroyed or disposed of without the consent in writing of the Administrator, Packers and Stockyards Administration, Department of Agriculture. 9 CFR 201.50.

voices; 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

10. Office of the Secretary

10.1 Recipients of research grants. [Amended]

To keep records of disposition of proceeds of grants, total costs of project or undertaking, amounts supplied by other sources, and such other records as to facilitate an effective audit.

Retention period: As specified in contracts, agreements, or operational guidelines. 7 U.S.C. 4501

II. DEPARTMENT OF COMMERCE

1. Economic Development Administration

1.1 Recipients of loans and grants—project control records.

To keep and preserve, and to require each contractor and subcontractor to keep and preserve, on account of any loan under section 201, 202, or 403, Public Law 89-136, August 26, 1965, or section 6 or 7, Public Law 87-27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89-136, August 26, 1965, or section 8, Public Law 87-27, May 1, 1961, detailed records reflecting acquisitions, work progress, expenditures and commitments, and to indicate their relationship to estimated costs and schedules.

Retention period: Until completion of all work performed or acquisitions made in connection with the project and at least 3 years thereafter. 13 CFR 301.54

1.2 Recipients of loans and grants—financial records.

To keep and preserve so long as any sum shall be due and unpaid to the Government on account of any loan under section 201, 202, or 403, Public Law 89-136, August 26, 1965, or section 6 or 7, Public Law 87-27, May 1, 1961, or on account of any grant under section 101, 102, 301, 403, or 505, Public Law 89-136, August 26, 1965, or section 8, Public Law 87-27, May 1, 1961, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the Act or Acts involved and the terms and conditions

upon which such financial assistance was made.

Retention period: For loans, until final payment has been made to the Government, and at least 3 years thereafter; for grants, until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 301.54

1.3 [Transferred to XIIIa]

2. Business and Defense Services Administration

ADJUSTMENT ASSISTANCE

2.1 Recipients of adjusted assistance under Chapter 2 of Title III of the Trade Expansion Act of 1962.

To keep records which fully disclose the amount and disposition of the proceeds of adjustment assistance and which will facilitate an effective audit.

Retention period: At least 3 years. 48 CFR 310.7

INDUSTRIAL MOBILIZATION

2.2 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)

2.3 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.

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

2.4 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 and M-5A. [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; and BDSA Order M-5A—Aluminum, 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)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by BDSA Order M-41. [Amended]

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of BDSA Order M-41—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Order M-41, sec. 8(a)

2.6 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by BDSA (formerly NPA) Regulation 6. [Amended]

To keep accurate and complete records in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of BDSA (formerly NPA) Reg. 6—Transfer of Quotas and Ratings; Transfer of a Business as a Going Concern.

Retention period: For at least 3 years. 32A CFR Ch. VI, BDSA Reg. 6, sec. 8(a)

2.7 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in transactions covered by BDSA Order M-1B—Nickel Alloys. [Amended]

To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with the provisions of Order M-1B—Nickel Alloys.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-1B, sec. 13(a)

2.8 Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials. (BDSA Order M-11A—Copper and Copper-base Alloys). [Amended]

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 in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of Order M-11A—Copper and Copper-base Alloys. Such records shall include, but shall not be limited to, all authorized controlled material orders (ACM), rated orders and directives received by such persons, and copies of all authorized controlled material orders (ACM), and rated orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-11A, sec. 12(a)

2.9 Producers of domestic refined copper. (Direction 2 to BDSA Order M-11A—Domestic Refined Copper Set-Aside). [Amended]

To keep accurate and complete records of production, receipts, sales, and deliveries of domestic refined copper in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of Order M-11A—Domestic Refined Copper Set-Aside. Such records shall include, but shall not be limited to, all rated orders received by such producers.

Retention period: At least 3 years. 32A CFR Ch. VI, Order M-11A, Dir. 2, sec. 9

3. Office of State Technical Services

3.1 State agencies or institutions receiving financial assistance under the State Technical Services Act of 1965.

To maintain records and documentation (e.g., vouchers, payrolls, invoices, contracts) relating to grant and amount, nature, and identification of funds supplied from non-Federal sources.

Retention period: 3 years after end of grant period or until audit has been conducted by the Department and all questions arising therefrom are resolved. 15 CFR 700.11

4. Bureau of International Commerce

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.⁴ 15 CFR 368.1 (retention: 381.11)

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.⁴ 15 CFR 368.1 (retention: 381.11)

4.3 Exporter of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing.

To keep copies of exporter's letter of inquiry and manufacturer's reply regarding use of commodities.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.⁴ 15 CFR 373.7 (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

⁴ Complete and accurate reproductions may be substituted for documents required to be retained under Export Control Regulations after 12 months from beginning of required retention period; provided facilities for location and inspection are available at the place of retention. 15 CFR 381.11

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 (retention: 381.11)

4.7 Exporter to a foreign distributor.

(a) To retain copies of validated or rejected Forms FC-143 and 243, and (b) to retain documents, correspondence, memoranda, books, and other records relating to exports under the Form FC-243 procedure.

Retention period: 3 years (a) from date of validated or rejected forms, and (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.* 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)

* Complete and accurate reproductions may be substituted for documents required to be retained under Export Control Regulations after 12 months from beginning of required retention period; provided facilities for location and inspection are available at the place of retention. 15 CFR 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 (retention: 381.11)

4.12 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 3 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the 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, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.* 15 CFR 373.48

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 from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.* 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 385.2 (retention: 381.11)

4.16a Exporters and distributors of commodities under distribution licenses. [Added]

To keep (a) one copy of each validated or rejected Form FC 1143; (b) all other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a distribution license; and (c) all records regarding a sale or reexport by a distributor who is an approved consignee.

Retention period: 3 years (a) from date of validation or rejection; (b) from whichever is later, date of exportation, reexportation, transshipment, diversion,

or other termination of the transaction; (c) from date of sale or reexport.* 15 CFR 378.11 (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 amounts of compensation paid 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

* After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

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 and for losses sustained due to fire, water, or other damage which renders articles unsaleable.

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 Worksmalrep 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)

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 Charterers 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 [Reserved]

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA-140, Repair Summary (together with the letter and documents pertinent thereto) for each terminated voyage.

Retention period: Not less than 6 years after audit and approval by the Maritime Administration and Maritime Subsidy Board of a final accounting for the last year of a recapture period and settlement of such a recapture period. 46 CFR 272.7

^{*} After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

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: In accordance with the provisions of 46 CFR 380.24. 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: In accordance with the provisions of 46 CFR 380.24. 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 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 and such other accounts established in connection therewith.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 286.2

5.18 Taxpayers establishing construction reserve funds.

To keep records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 8 months after the termination or closing out of the reserve fund. 46 CFR 287.26

5.18a Taxpayers establishing construction reserve funds; depositories.

To keep resolutions in connection with the establishment and maintenance of the construction reserve fund under agreement with the depository.

Retention period: 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer. 46 CFR 287.6

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: In accordance with the provisions of 46 CFR 380.24. 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 Purchasers 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

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 maritime Schools.

To keep records pertaining to the Schools, its officers, instructors, crew, cadets, training vessels and shore bases. The Schools shall also maintain records of cadet enrollments, reenrollments, absences with or without leave, hospitalizations, disenrollments, graduations, and other analogous data.

Retention period: Not specified. 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

5.30 Operators under Title VI and VII, Merchant Marine Act, 1936.

To keep varied records created while under contract with the Maritime Administration/Maritime Subsidy Board.

Retention period: In accordance with the provisions of 46 CFR 380.20-380.24

6. Office of Foreign Direct Investments [Added]

6.1 Persons in the United States making foreign direct investments.

To keep within the United States a full and accurate record of each transaction subject to the provisions of 15 CFR Part 1000, whether effected pursuant to authorization or otherwise, and of every other transaction with an affiliated foreign national.

Retention period: 2 years. 15 CFR 1000.601

7. Assistant Secretary for Domestic and International Business

7.1 Ship and aircraft owners, masters, officers, employees and agents participating in transportation.

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T-1 and T-2 (Shipping restrictions) to Country groups X, Y, or Z (these include Soviet bloc countries (excluding Rumania and Poland), Hong Kong, Macao, China, North Korea, North Vietnam, and Cuba), as set forth in the Export Schedule (15 CFR 370.1(g) (2)), 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. 4; T-2, sec. 5

7.2 Persons transporting commodities to and from Southern Rhodesia. [Amended]

To retain records of shipments in sufficient detail to permit an audit that will determine, for each transaction, that the provisions of 15 CFR Part 11 have been met. Records may be microfilmed or photographic copies made.

Retention period: At least 2 years. 15 CFR 11.5

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.

To maintain books, documents, papers, and records involving transactions re-

lated to the contract or which will permit adequate evaluation of the cost or pricing data submitted.

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.

To maintain 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 Contractors and subcontractors with facilities contracts.

To maintain books, documents, papers, and records involving transactions related to consolidated facilities contracts, facilities acquisition contracts, or facilities use contracts.

Retention period: 3 years after date of payment under the contract. 32 CFR 7.702-13, 7.702-48, 7.703-11, 7.703-41, 7.704-5, 7.704-33 (retention: 7.104-41, 7.203-7)

1.4 Contractors and subcontractors with time and materials and labor and hour contracts.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.901-16, 7.901-17 (retention: 7.104-41, 7.203-7)

1.5 Contractors and subcontractors with mortuary services contracts.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.1202-1 (retention: 7.104-15)

1.6 Architect-engineer contracts.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 32 CFR 7.607-17, 7.607-22 (retention: 7.104-15, 7.104-41)

1.7-1.13 [Reserved]

1.14 Contractors with cost reimbursement type supply contracts.

To maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed under the contract.

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.

To maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed under the subcontract.

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.

To maintain 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.

To maintain books, documents, papers and records involving transactions related to the 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.

To maintain 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.

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.

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.

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.

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.

To maintain 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 \$2,500 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.

To maintain 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.

To maintain 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

- 1.25 Subcontractors with fixed price subcontracts.

To maintain 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 [Reserved]

- 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. ASPR App. E 414.1(c) (3)

- 1.29-1.30 [Reserved]

- 1.31 Contractors with negotiated cost-reimbursement type incentive or price redeterminable contracts.

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

- 1.32 Contractors with stevedoring contracts.

To maintain books, papers, or other accounting records pertaining to stevedoring contracts.

Retention period: 3 years after expiration or termination of the contract. 32 CFR 7.1002-21, 7.1002-22 (retention: 7.104-15). ASPR 7-1002.21

2. Department of the Air Force

- 2.1-2.2 [Reserved]

- 2.3 Contractors' flight operating procedures and flight crews.

To keep records of each flight crew member and policy and flight operating procedures.

Retention period: Not specified. 32 CFR 860.8

3. Department of the Army

3.1 [Reserved]

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 [Reserved]

3.5 Contractors with federally assisted contracts.

To maintain payroll and other related records during the course of the work for all laborers and mechanics working at the site of the work.

Retention period: 3 years. 32 CFR 1808.4

3.6 State or State agencies receiving Federal contributions for civil defense equipment.

To maintain books, records, and documents relating to such contributions.

Retention period: 3 years following completion of the approved project. 32 CFR 1801.6

3.7 State or State agencies receiving financial contributions for personnel and administrative expenses under the Federal Civil Defense Act of 1950, as amended.

To keep books, records, papers, and other pertinent supporting material including those relating to procurement of administrative equipment and to merit system operations showing receipt and disbursement of Federal funds received.

Retention period: 3 years after payment unless advised by OCD to maintain such records for a longer period. 32 CFR 1807.6

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies receiving Federal grants for construction of minimum school facilities in areas affected by Federal activities under Public Law 81-815, as amended.

To keep all records supporting claims for Federal grants.

Retention period: (1) Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or (2) for 3

years following the fiscal year to which the claim relates, whichever is later, except as otherwise notified.

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 Federal agencies making the reviews. 45 CFR 114.30

1.2 Local educational agencies receiving Federal grants to cover current expenditures in areas affected by Federal activities under Public Law 81-874, as amended.

To keep all records supporting claims for Federal grants.

Retention period: (1) Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or (2) for 3 years following fiscal year to which the claim relates, whichever is later, except as otherwise notified.

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 Federal agencies making the reviews. 45 CFR 115.43

1.3 State and local agencies receiving financial assistance for vocational education under both the Vocational Education Act of 1963 and the Smith-Hughes, George-Barden and Supplementary Acts, as amended, or under the Vocational Education Act of 1963 alone.

(a) To keep all 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. 45 CFR 104.36

(b) To keep records supporting accountability for and disposition of school facilities constructed and nonconsumable equipment costing \$100 or more purchased under the State plan (whether from Federal or matching funds).

Retention period: Until notification in writing of the completion of the review and audit covering the disposition of such school facilities and equipment. 45 CFR 104.36

1.4 State and local agencies receiving financial assistance for vocational education in agriculture, distributive occupations, home economics, and trades and industries, including the fishery trades and industry, and practical nurse training and area vocational education programs under the Smith-Hughes and/or George-Barden Acts, as amended.

(a) To keep all 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. 45 CFR 102.24(d), 103.2(e)

(b) To keep records supporting accountability for nonconsumable equipment purchased under the program (whether from Federal or matching funds) and costing \$10 or more.

Retention period: Until notification of the completion of the review and audit covering the disposition of such equipment. 45 CFR 102.24(d), 103.2(e)

1.5 State and local agencies and any other entities participating in the library services and construction program, interlibrary cooperation or specialized State library services under the Library Services and Construction Act, as amended.

(a) To keep all records identified as to individual program allotments supporting claims for Federal grants or relating to the accountability of the State agency or any participant for expenditures of such grants and of matching funds and records supporting maintenance of effort.

Retention period: Until State agency is notified that they are not needed for program administration review and that the Department's fiscal audit is completed. 45 CFR 130.85

(b) To keep inventories and records of each item initially costing \$100 or more, in which cost the Federal Government has participated, or which was purchased with State or local matching funds.

Retention period: Not specified. (In practice retention follows item 1.6(b).) 45 CFR 130.80

1.6 State agencies receiving payments for training under the Manpower Development and Training Act of 1962.

(a) To keep all 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 of the completion of the Federal fiscal audit, whichever is later.

The records involved in any claim or expenditure which has been questioned by the Federal fiscal audit shall be further maintained until necessary adjustments have been made and the adjustments have been approved by the Commissioner. 45 CFR 160.13

(b) To keep an inventory of each item of equipment costing \$50 or more.

Retention period: Until expiration of useful life of such equipment, or State agency is notified that State may sell such equipment, or Federal Government agrees to accept credit for its share of value of equipment sold or diverted from authorized uses. 45 CFR 160.9(c)

1.7 Recipients of Federal financial assistance for noncommercial educational television broadcast facilities pursuant to title III of the Communications Act of 1934, as amended.

(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: (1) For 3 years after close of fiscal year in which expenditure was made, or (2) until notified fiscal audit is completed, or (3) until notified that such records are no longer needed for program administration review, whichever last occurs. Records involved in any expenditure which has been questioned shall be further maintained until the matter has been reviewed and cleared by the Secretary. 45 CFR 60.19

(b) To maintain descriptive inventories or other records supporting accountability of all items of transmission apparatus costing \$100 or more acquired or installed with Federal financial assistance.

Retention period: 10 years after completion of the project. 45 CFR 60.19

1.8 State or local educational agencies receiving grants for education of handicapped children.

(a) To maintain all records supporting claims for Federal funds or relating to accountability of the grantee for expenditures of such funds.

Retention period: (1) 3 years after close of fiscal year in which expenditure was made, or (2) until State educational agency is notified that such records are not needed for administrative review, whichever is the later.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by HEW. 45 CFR 121.32

(b) To maintain an inventory (1) of all equipment placed in temporary custody of persons in a private school and (2) of all other equipment costing \$100 or more per unit.

Retention period: (1) Until the equipment is discharged from such custody and if costing \$100 or more per unit, for the expected useful life of the equipment or until its disposition or (2) for expected useful life of the equipment or until its disposition. Inventory records are subject to retention requirements for accountability of Federal funds. 45 CFR 121.33.

1.9 State commissions receiving financial assistance under section 105 and institutions receiving financial assistance for construction of higher education facilities under the Higher Education Facilities Act of 1963, as amended.

(a) *State commissions.* To maintain (1) accounts and documents supporting expenditures for expenses, (2) inventories and other records supporting accountability for purchase of equipment items costing \$50 or more per unit, (3)

records of each application received, and (4) records of all hearings on appeals and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* To maintain all accounting records relating to approved projects, including bank deposit slips, canceled checks, etc. (or microfiche copies), for audit and inspection by the Federal Government.

Retention period: (a) (1) Until notified of completion of Federal audits for the Federal fiscal year concerned, (2) until notified of the completion of review and audit by HEW covering disposition of such equipment, (3) at least 2 years after final action is taken, and (4) at least 3 years; (b) 3 years after the completion of the project or until the applicant is notified of completion of the Government's audit, whichever is later. 45 CFR 170.6

1.10 Local educational agencies and public and private nonprofit agencies receiving financial assistance for adult education programs under section 309 of the Adult Education Act of 1966, as amended. [Amended]

(a) To maintain all records pertaining to the expenditure of the Federal grant and non-Federal contribution.

Retention period: (1) 3 years after close of fiscal year in which expenditure was liquidated, (2) until grantee is notified that such records are no longer needed for program administrative review, or (3) until notified of completion of Federal fiscal audit, whichever is the latest.

Records pertaining to any claim or expenditure which has been questioned shall be maintained until necessary adjustments have been reviewed and cleared by HEW. 45 CFR 166.76

(b) To keep inventory and records of all items of equipment costing \$100 or more in which cost the Federal Government has participated.

Retention period: Not specified. 45 CFR 166.77

1.11 State and local educational agencies receiving financial assistance under title III of the National Defense Education Act for strengthening instruction in science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, and reading.

(a) To keep all 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; or (2) until the State agency is notified that such records are not needed for program administrative review; or (3) until the State agency is notified of the completion of the Department's fiscal audit, whichever is the latest.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been reviewed and cleared by the Department. 45 CFR 141.18

(b) To keep records supporting accountability for nonconsumable equipment purchased under the program for supervision, related services or administration, and costing \$50 or more per unit.

Retention period: 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 by local educational agencies under projects approved in accordance with section 303(a) of the National Defense Education Act of 1958. 45 CFR 141.18

1.12 Private nonprofit elementary and secondary schools receiving loans under title III of the National Defense Education Act for acquisition of equipment for strengthening instruction in science, mathematics, modern foreign language, other critical subjects, and the humanities and the arts.

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 142.9

1.13 Institutes of higher education receiving financial assistance for graduate fellowship programs under title IV of the National Defense Education Act.

To keep all 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 the latest.

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

1.14 State and local educational agencies receiving financial assistance for guidance and counseling and testing programs under title V of the National Defense Education Act. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency 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; or (2) until the State agency is notified that such records are not needed for program administrative review; or (3) until the

State agency is notified of the completion of the Department's fiscal audit, whichever is the latest.

The records involved in any claim or expenditure which has been questioned shall be maintained until necessary adjustments have been made and the adjustments have been reviewed and cleared by the Department. 45 CFR 143.18

(b) To keep records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing \$50.00 or more per unit.

Retention period: Until the State agency is notified of the completion of the review and audit covering the disposition of such equipment. 45 CFR 143.18

1.15 State educational agencies receiving financial assistance under section 1009 of the National Defense Education Act for improvement of statistical services.

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditure 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 the latest.

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. 45 CFR 140.7

(b) To keep records supporting accountability for nonconsumable equipment purchased under the program with Federal financial participation and costing \$10 or more per unit.

Retention period: Until notification of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 140.7

1.16 State and local educational agencies receiving financial assistance for the education of children of low-income families, pursuant to title I of the Elementary and Secondary Education Act of 1965, which amended Public Law 81-874, as amended. [Amended]

(a) To keep intact and accessible all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditure of such grants.

Retention period: (1) 5 years after close of fiscal year in which expenditure was made; or (2) until State educational agency is notified that such records are not needed for administrative review, whichever is the earliest.

The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department. 45 CFR 116.54

1.17 State and local educational agencies receiving financial assistance for school library resources, textbooks, and other instructional materials, under title II of the Elementary and Secondary Education Act of 1965, as amended. [Amended]

(a) To keep records supporting claims for Federal funds or relating to the accountability of the grantee or funded agency for expenditure of such funds.

Retention period: (1) For 3 years after the close of the fiscal year in which the expenditure was made; 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 fiscal audit, whichever is the latest.

The records involved in any claim or expenditure which has been questioned shall be maintained until necessary adjustments have been reviewed and cleared by the Department. 45 CFR 117.37

(b) To keep (1) inventories and other records supporting accountability of equipment, which costs \$100 or more per unit, purchased with Federal funds for use in administration of the State plan, and (2) records supporting accountability for school library resources, textbooks, and other printed and published instructional materials.

Retention period: (1) For the useful life of the equipment or until the State agency is notified of the completion of the Department's review and audit covering the disposition of such equipment, whichever is sooner; (2) for the useful life of each item by the public agency in which title to such materials is vested, which ownership is to be evidenced by appropriate, permanent marking of each item. 45 CFR 117.5, 117.37

1.18 State and local educational agencies receiving financial assistance under title III of Elementary and Secondary Education Act of 1965 for supplementary educational centers and services. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: (1) 5 years after close of fiscal year in which expenditure was made; or (2) until State agency is notified that such records are not needed for administrative review, whichever occurs first. 45 CFR 118.11, 118.64

(b) To keep inventories of all equipment acquired with funds under title III of the act and costing \$100 per unit.

Retention period: 3 years following the period for which such inventories are required to be made. 45 CFR 118.11, 118.64

1.19 Recipients of Federal financial assistance for research and research related activities in the field of education and for construction of national and regional research facilities under the Cooperative Research Act, as amended by title IV of the Elementary and Secondary Education Act of 1965.

(a) To keep all records supporting claims under Federal grants or relating to the accountability of Federal funds.

Retention period: (1) For 3 years after close of the fiscal year in which expenditure was made, (2) until notification that such records are not needed for program administration review, or (3) until notification of completion of Federal fiscal audit, whichever is the latest.

Records pertaining to any claim or expenditure questioned at time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Commissioner. 45 CFR 151.18

(b) To keep inventories and other records supporting accountability of nonconsumable equipment costing \$250 or more per unit purchased, in whole or in part, with Federal funds.

Retention period: Until grantee is notified of the completion of the Department's review and audit covering disposition of such equipment. 45 CFR 151.18

1.20 State educational agencies receiving financial assistance under title V of the Elementary and Secondary Education Act of 1965 to strengthen State departments of education. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of such grantee for expenditure of such grants.

Retention period: (1) 5 years after the end of the period for which such grants were made available to the grantee, or (2) until the grantee is notified that such records are not needed for administrative review, whichever occurs first.

The records involved in any claim or expenditure which has been questioned shall be further maintained for up to 8 years after the end of the period for which the grant was made available, until necessary adjustments have been made and such adjustments have been reviewed and approved by the Department. 45 CFR 119.42

(b) To keep inventories and other records supporting accountability of equipment, which costs \$100 or more per unit, purchased by the grantee with Federal financial participation.

Retention period: Until the grantee is notified of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 119.42

1.21 Local educational agencies receiving financial assistance for construction of public elementary and secondary schools in areas affected by major disasters. [Amended]

To keep records supporting claims for such assistance.

Retention period: 5 years following date of final payment under the application or until grantee is notified that such records are not needed for program administrative review, whichever is the earlier. 45 CFR 112.16

1.22 Local educational agencies receiving financial assistance for current expenditures in areas affected by major disasters. [Amended]

To keep all records supporting claims for such Federal funds.

Retention period: 5 years following the fiscal year to which the claim relates, or until grantee is notified that such records are not needed for program administrative review, whichever is the earlier. 45 CFR 113.19

1.23 State commissions and institutions receiving financial assistance for acquisition of equipment to improve undergraduate instruction in institutions of higher education under the Higher Education Act of 1965.

(a) *State commissions.* To maintain (1) records supporting expenditures for expenses of State commission, (2) a complete case file on each application received, and (3) records of all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions.* To maintain all accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, including bank deposits, canceled checks, etc.

Retention period: (a) (1) Until notification of completion of Federal audits for Federal fiscal year concerned, (2) 2 years after final action, and (3) 2 years after each such closing date; (b) 3 years after completion of project or until applicant is notified of the Government's audit, whichever is later. 45 CFR 171.8

1.24 Lenders participating in Federal loan insurance program for students in institutions of higher education and vocational students. [Added]

To maintain complete and accurate records, reflecting each transaction, of all federally insured loan accounts.

Retention period: Until Commissioner has no further need of such records. 45 CFR 177.41, 178.41

1.25 State agencies or institutions receiving financial assistance for community service and continuing education programs under the Higher Education Act of 1965. [Amended]

(a) To maintain all records supporting claims for Federal grants or relating to accountability of State agency or participating institutions for expenditure of such grants or of matching funds.

Retention period: Until notified that such records are not needed for program administrative review or of completion of Department's fiscal audit, whichever is sooner.

Records involved in any claim or expenditure which has been questioned shall be maintained until necessary adjustments have been reviewed and cleared by the Department. 45 CFR 173.29

(b) To keep inventories and records of all items of equipment initially costing \$100 or more in which the Federal Government has participated.

Retention period: Until termination of the program. 45 CFR 173.30(b)

1.26 Institutions of higher education participating in the national defense student loan program under title II of the National Defense Education Act of 1958.

To maintain records of all transactions with respect to the fund, general ledger control accounts and subsidiary accounts as required, pertinent records of fund activities including individual oaths, and promissory notes.

Retention period: Until agreed upon with the Commissioner that there is no further need for retention. 45 CFR 144.11

1.27 State agencies receiving financial assistance for Adult Basic Education Programs under the Adult Education Act of 1966, as amended. [Added]

(a) To maintain all records pertaining to the expenditure of the Federal grant and non-Federal contribution.

Retention period: (1) 3 years after close of fiscal year in which expenditure was liquidated, (2) until grantee is notified that such records are no longer needed for program administrative review, or (3) until notified of completion of Federal fiscal audit, whichever is the latest.

Records pertaining to any claim or expenditure which has been questioned shall be maintained until necessary adjustments have been reviewed and cleared by HEW. 45 CFR 166.40

(b) To keep inventory and records of all items of equipment costing \$100 or more in which cost the Federal Government has participated.

Retention period: Not specified. 45 CFR 166.35

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 5.2

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 Persons introducing shipment or delivery of unlabeled hazardous substances into interstate commerce and operators of establishments receiving and labeling such substances.

Persons shipping unlabeled household containers of hazardous substances interstate and operators of establishments receiving and labeling such hazardous substances, where the person and the operator are not the same person, shall keep written agreements containing such specifications as will insure that such hazardous substances will not be misbranded upon completion of such labeling.

Retention period: 2 years after final shipment or delivery of such hazardous substance from such establishment. 21 CFR 191.64

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 and investigators of new drugs and antibiotic drugs for investigational use; persons shipping new drugs and antibiotic drugs for laboratory study or for clinical investigation in animals; sponsors of clinical investigations in animals.

(a) Sponsors of new drugs and antibiotic 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 or an antibiotic

form 5 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, 144.8

(b) Investigators of new drugs and antibiotic drugs shall maintain: (1) complete records of disposition of the drug, and (2) case histories and other data pertinent to the investigation of each individual treated with the drug.

Retention period: 2 years after a new-drug application or an antibiotic form 5 is approved for the drug or, if unapproved, 2 years after the investigation is discontinued. 21 CFR 130.3, 144.8

(c) Persons introducing a shipment or other delivery interstate of a new-drug or an antibiotic drug for laboratory study or for clinical investigation in animals shall keep and maintain complete records of each shipment and delivery including the name and post office address of the expert or investigator to whom the drug is shipped and the date, quantity, and batch or code mark of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 130.3, 130.3a, 144.8

(d) Sponsors of clinical investigations in animals shall keep and maintain all records received from investigators.

Retention period: 2 years after the termination of the investigation or approval of a new-drug application. 21 CFR 130.3, 130.3a, 144.8

2.6a Manufacturers, processors, packers, and holders of finished pharmaceuticals.

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 manufacturing.

(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 manufacturing, 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.

(c) Persons engaged in manufacturing, compounding, processing, packing, or labeling an antibiotic drug for which a certificate or release has been issued or whose name appears on the labeling of an antibiotic drug as its manufacturer, packer, or shipper shall maintain such records and make such reports as are necessary to facilitate a determination whether any such certification or release should be rescinded or whether any regulation should be amended or repealed.

Retention period: (a) and (b) 3 years from date of shipment or delivery and/or receipt of same; (c) Not specified. (a) 21 CFR 146.5; (b) 21 CFR 144.3—144.7; (c) 21 CFR 146.14(d)

Photostatic or other permanent reproductions may be used as substitutes for records identified in this section after the first 2 years of retention. 21 CFR 144.23, 146.7

2.8 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use.

Shall keep records of all laboratory tests and assays required as a condition for certification on each batch produced, and of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years after date of shipment or delivery. 21 CFR 144.1

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.

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.

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.

Shall maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 [Deleted]

2.15 Persons treating food with low dose electron beam radiation. [Revised]

To keep a record of the radiation intensity and power used by means of recorders coupled to the electron accelerator. The record shall identify the food that has been subjected to the radiation.

Retention period: 1 year. 21 CFR 121.3007

2.16 Persons obtaining an experimental permit for use of a pesticide chemical for which a temporary tolerance is established.

Shall keep records of production, distribution, and performance.

Retention period: 2 years. 21 CFR 120.31(e)(4)

2.17 Persons holding approved new-drug applications.

Shall, upon receiving notification that an application for a new drug is approved, establish and maintain such records and make such reports as are necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act to suspend or withdraw approval of the application.

Retention period: Not specified. 21 CFR 130.13(d)

2.18 Persons manufacturing, processing, packing, or holding medicated feeds.

(a) Shall keep and maintain appropriate receipt and inventory records on any drug components used, and a production record of each batch or run produced.

Retention period: At least 1 year. 21 CFR 133.104, 133.105(b)

(b) Shall prepare, check, and maintain a master formula record or card for each medicated feed.

Retention period: At least 1 year after production of the last batch. 21 CFR 133.105(a)

(c) Shall provide for the maintenance of the results of any assays together with records of analyses reported by any State feed control official.

Retention period: At least 1 year after distribution of the medicated feed has been completed. 21 CFR 133.108(e)

(d) Shall maintain complete records of distribution for each shipment of medicated feed in a manner that will facilitate the recall, diversion, or destruction of the feed, if necessary.

Retention period: At least 6 months after the date of the shipment. 21 CFR 133.109

(e) Shall maintain a record of complaints and the action taken relating to such complaints.

Retention period: 2 years. 21 CFR 133.110

2.19 [Transferred to VII 1.10.]

2.20 Persons manufacturing, processing, packing, or holding medicated premixes for use in the manufacture of medicated feeds.

(a) To maintain appropriate receipt and inventory records on any drug components used.

Retention period: 2 years. 21 CFR 133.204(a)

(b) To maintain a separate batch-production and control record for each batch or run of medicated premix produced.

Retention period: At least 2 years after distribution by the manufacturer has been completed. 21 CFR 133.205(b)

(c) To maintain records of any assays required to assure that the drug components and the medicated premixes conform to appropriate standards of identity, strength, quality, and purity.

Retention period: At least 2 years after distribution by the manufacturer of the medicated premix has been completed. 21 CFR 133.208(f)

(d) To maintain complete records of distribution for each shipment of medicated premixes in a manner that will facilitate the recall, diversion, or destruction of the medicated premix, if necessary.

Retention period: At least 2 years after the date of the shipment by the manufacturer. 21 CFR 133.209

(e) To maintain a record of all written or verbal complaints concerning the safety or efficacy of each medicated premix.

Retention period: 2 years. 21 CFR 133.210

3. Public Health Service⁶

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 funds for each authorized personnel training grant for health work under the act.

Retention period: Not specified.⁷ 42 CFR 51.11, 51.13, 51.15

3.2 Institutions receiving grants for research projects.

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 State and State agencies receiving Federal funds for hospital and medical facilities survey and construction projects.

To maintain (a) separate fiscal and accounting records of Federal and/or State funds reflecting the receipt or expenditure of such funds and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) 5 years after final payment or until completion of a Federal audit and resolution of all questions arising therefrom, whichever occurs first; (b) 3 years after completion of the contract. 42 CFR 53.128, 53.131

3.4 [Reserved]

3.5 Applicants receiving grants for initial cost of professional and technical personnel of community mental health centers.

To maintain such records, books, documents, and papers that are pertinent to assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Retention period: Not specified. 42 CFR 54.308

3.6 State, interstate, municipal, and intermunicipal air pollution control agencies receiving Federal project grants for air pollution control programs under section 105 of the Clean Air Act, as amended.

To maintain such fiscal records of the project and overall air pollution control program as will facilitate an effective audit. This requirement pertains to non-Federal as well as Federal expenditures.

Retention period: Until grantee is notified in writing that the final audit has been completed. Public Law 90-148, 42 U.S.C. 1857 et seq.

3.7 Institutions receiving Federal grants for the construction of health research facilities (including mental retardation facilities).

To maintain (a) all fiscal or other records relating to the construction and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.8

3.8 Applicants receiving Federal grants for the construction of teaching facilities for health professions.

To maintain (a) adequate and separate accounting and fiscal records for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.106

3.9 Institutions participating in the health professions and the nursing student loan programs. [Amended]

To keep records reflecting all transactions with respect to the student loan fund, recording Federal capital contributions and Federal capital loans separately.

Retention period: Not specified. 42 CFR 57.215, 57.309

3.10 Public or nonprofit private schools of nursing receiving Federal grants for construction of nurse training facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the site.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 57.406

3.11 Schools of medicine, dentistry, osteopathy, optometry, pharmacy, and podiatry, and training centers for allied health professions receiving Federal funds for scholarship grants and for improving quality of such schools and centers.

To maintain such records as the Surgeon General may prescribe.

Retention period: Not specified. 42 CFR 57.511, 57.610, 57.715

3.12 Schools of public health receiving grants for provision of public health training.

To maintain 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 Public or private nonprofit agencies or institutions receiving Federal grants for the construction of medical library facilities.

To maintain (a) fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 59a.7

3.14 Public or private nonprofit medical libraries or related institutions receiving Federal grants for improving and expanding basic resources.

To maintain progress and fiscal records relating to the use of such grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required in writing by the Surgeon General. 42 CFR 59a.20

⁶For Food, Drug and Cosmetic Act regulations applicable to products licensed under the Public Health Service Act, see Food and Drug Administration, Items 2.6, 2.11, 2.13.

⁷All 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 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)

- 3.15 Public or private nonprofit medical libraries receiving Federal grants for the establishment of regional medical libraries.

To maintain separate fiscal records and accounts for all grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Surgeon General. 42 CFR 59a.37

- 3.16 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training.

To maintain fiscal and other records relating to the training and instruction for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

- 3.17 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

- 3.18 Licensed domestic and foreign manufacturing establishments processing whole blood (human) or packed red blood cells (human).

To maintain records of the full explanation made by the physician, hospital or other medical facility, of why it is essential to allow time for transportation of whole blood (human) prior to determination of test results, to assure arrival when needed for transfusion.

Retention period: 5 years after the records of manufacture are completed or

6 months after the latest expiration date, whichever is later. 42 CFR 73.304, 73.327

- 3.19 Applicants receiving Federal grants for solid waste disposal projects.

To maintain such records, books, documents, and papers that are pertinent to the grant received under sections 204 and 206 of the Solid Waste Disposal Act.

Retention period: Until grantee is notified in writing that the final audit has been completed. 42 CFR 59.6

- 3.20 Public or nonprofit institutions receiving Federal grants for regional medical programs.

To maintain all financial and other records relating to the use of the grant funds.

Retention period: Until records have been audited unless a different period is permitted or required in writing by the Surgeon General. 42 CFR 54.405

4. Social Security Administration [Revised]

- 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 404.1256

- 4.2 Carriers under contract to assist in the administration of the supplementary medical insurance program for the aged.

To maintain such records as the Secretary finds necessary to assure the correctness and verification of the information and reports furnished him under the supplementary medical insurance program for the aged.

Retention period: Not specified. 42 U.S.C. 1395 cc

- 4.3 Hospitals, extended care facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program.

To keep clinical records on all patients.

Retention period: Not specified. 42 U.S.C. 1395 x

- 4.4 Hospitals, extended care facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program.

To maintain and provide such information as the Secretary finds necessary to determine whether payments are or were due under title XVIII of the Social Security Act, and the amounts thereof.

Retention period: Not specified. 42 U.S.C. 1395 cc

- 4.5 Psychiatric and tuberculosis hospitals which have filed agreements to participate in the health insurance for the aged program.

To maintain such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under the hospital insurance benefits for the aged program.

Retention period: Not specified. 42 U.S.C. 1395 x

- 4.6 Intermediaries who have entered into an agreement to assist in the administration of the hospital insurance benefits for the aged program.

To maintain such records as the Secretary finds necessary to assure the correctness and verification of the information and reports furnished him under the hospital insurance benefits for the aged program.

Retention period: Not specified. 42 U.S.C. 1395h(b)

- 4.7 Group Practice Prepayment Plans which have filed agreements to participate in the health insurance for the aged program.

To maintain records and furnish information to substantiate the agreements they enter into concerning reimbursement on a cost or charge basis.

Retention period: Not specified. 42 U.S.C. 1395l(a)(1)

- 4.8 Clinical laboratories.

To maintain records of laboratory reports.

Retention period: Not specified. 20 CFR 405.1316(e)(2)

- 4.9 Hospitals and hospital-based physicians under agreements apportioning the physicians' compensation.

To keep records and furnish information to substantiate the agreements they enter into concerning allocation of the compensation of the physicians.

Retention period: Not specified. 20 CFR 405.487

- 4.10 Federal Credit Unions.

To keep accounting records as prescribed in 45 CFR 301.14.

Retention period: Not specified. 45 CFR 301.14

* See Accounting Manual for Federal Credit Unions (July 1965), pp. 146-148.

4.11 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.

Retention period: 5 years following date of cancellation of the charter of the credit union. 45 CFR 310.11, 310.13

5. Social and Rehabilitation Service

ADMINISTRATION ON AGING

5.1 State agencies receiving Federal grants under title III of the Older Americans Act of 1965, as amended, for community planning, services, and training.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 903.25

5.2 Public or nonprofit private agencies, organizations or institutions receiving Federal grants under title IV of the Older Americans Act of 1965, as amended, for research and development projects.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 904.9

5.3 Public or nonprofit private agencies, organizations or institutions receiving Federal grants under title V of the Older Americans Act of 1965, as amended, for training projects.

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 905.9

5.4—5.9 [Reserved]

CHILDREN'S BUREAU

5.10 State agencies receiving Federal grants under title V of the Social Security Act, as amended, for maternal and child health services and crippled children's services.

To maintain at the State level such accounts and supporting documents as will serve to permit an orderly and expeditious determination to be made at any time of the status of Federal grants, including the disposition of all monies received and the nature and amount of all charges claimed to lie against the respective Federal authorizations.

Retention period: Not specified. 42 CFR 200.16

5.11 State agencies receiving Federal grants under title V of the Social Security Act, as amended, for maternal and child health services and crippled children's services which have purchased items of equipment and supply to carry out the State plan for such services.

To maintain a complete equipment inventory and adequate property controls. Retention period: Not specified. 42 CFR 200.23

5.12 State agencies receiving Federal grants under title IV, Part B of the Social Security Act, as amended, for child welfare services. [Amended]

To establish and maintain such accounts, records, and supporting documents as will permit an accurate and expeditious Federal audit of the program to be made at any time.

Retention period: Until completion of audits (including the final resolution of any questions raised thereby) or for 3 years, whichever is later, unless the State agency is requested to retain particular accounts, records, or supporting documents for a longer period. 42 CFR 201.11

5.13 State agencies receiving Federal grants under title IV, Part B of the Social Security Act, as amended, for child welfare services which have purchased items of equipment and supply in carrying out the annual budget. [Amended]

To maintain a complete equipment inventory and adequate property controls covering such items.

Retention period: Not specified. 42 CFR 201.17

5.14—5.19 [Reserved]

REHABILITATION SERVICES ADMINISTRATION

5.20 State and State agencies receiving Federal grants for the construction of facilities and community centers for the mentally retarded and public or private nonprofit institutions receiving grants for university affiliated construction programs for the mentally retarded.

To maintain (a) separate fiscal and accounting records of Federal and/or State funds reflecting the receipt or expenditure of such funds and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 54.4, 54.112, 54.116

5.21 State agencies receiving Federal grants under section 2 of the Vocational Rehabilitation Act for the provision of vocational rehabilitation services. [Added]

To keep such records and afford such access thereto as the Secretary of Health, Education, and Welfare may find necessary to assure the correctness and verification of reports.

Retention period: Not specified. 45 CFR 401.17

5.22 State agencies and other public or private nonprofit agencies receiving grants for expansion of vocational rehabilitation services; project development, initial staffing, and workshop improvement. [Added]

To make such reports and to keep such records and accounts as the Secretary of Health, Education, and Welfare may require and to make such records and accounts available for audit purposes.

Retention period: Not specified. 45 CFR 401.102, 402.11, 402.43, 402.52

5.23 State agencies or other public or nonprofit organizations or agencies receiving grants for the construction of workshops and rehabilitation facilities. [Added]

To maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and to permit audit of such records and accounts at any reasonable time.

Retention period: Not specified. 45 CFR 402.22

6. General Administration

6.1 State agencies participating in the distribution and utilization of surplus property for health, education, and civil defense purposes under the Federal Property and Administrative Services Act of 1949.

To maintain accurate accountability records of all donable property received, warehoused, and distributed by each State agency. Accountability records of all single items having acquisition cost of \$2,500 or more shall be kept separate from those of lesser amount.

Retention period: Minimum of 5 years. 45 CFR 14.6

6.2 School systems receiving Federal assistance.

To maintain all records relating to personnel actions, transportation (routes and schedules), and student assignments and transfers, including all choice forms and transfer applications submitted to the school system in compliance with title VI of the Civil Rights Act of 1964.

Retention period: 3 years. 45 CFR 80.6, 181.19, 181.35, 181.55

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Office of the Secretary

1.1 Agencies making relocation payments under urban renewal projects and code agencies making relocation payments under programs of concentrated code enforcement or under contracts for the demolition of unsound structures.

To maintain records pertaining to eligibility of relocation payments, including all claims, receipted bills, or other

documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after the completion of the urban renewal project or other federally assisted activities. 24 CFR 3.104(d)

1.2 Public agencies receiving assistance under Advances for Public Works Planning (First Program) administered by the Office of Assistant Secretary for Metropolitan Development. [Amended]

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 44 CFR 702.13

1.3 Agencies making relocation payments under open-space land projects.

To maintain records pertaining to eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after the completion of the project. 24 CFR 4.108(g)

1.4 Public bodies making relocation payments under neighborhood facilities projects.

To maintain records pertaining to eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after the completion of the project. 24 CFR 6.107(g)

1.5 Public bodies making relocation payments under Public Facilities Loans, Water and Sewer Grants, and Advance Acquisition of Land Programs administered by the Office of the Assistant Secretary for Metropolitan Development.

To maintain records as required in eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after completion of project. 44 CFR 710.10

1.6 Insurer, or pool, or person executing agreement under Federal riot reinsurance program. [Added]

To maintain records as required in section 1234.

Retention period: Not specified. Public Law 90-448, 82 Stat. 565

2. Federal Housing Administration [Revised]

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, 201.10, 201.11

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 200.171, 201.8

2.3 Project mortgagors under the National Housing Act.

(a) 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, 220.630, 221.530, 221.538, 221.550, 221.552, 232.87, 233.505, 236.1, 810.1, 1000.127, 1100.105

(b) Where neither mortgagor nor any of 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 any 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, 221.550, 231.1, 232.83, 233.505, 234.501, 235.501, 236.1, 241.155-241.160, 810.1, 1000.110-1000.125, 1100.147-1100.155

2.4 Investors insured under yield insurance provisions under title VII of the National Housing Act.

To 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 Commissioner 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

2.5 Lending agencies for project mortgages insured under 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. 24 CFR Parts 207, 213, 220, 221, 231-236, 241, 242, 608, 611, 803, 810, 908, 1000, 1100

2.6 Mortgagors of new or rehabilitated multifamily housing insured under 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. 43 U.S.C. 1434.

VI. 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 Bureau of Sport Fisheries and Wildlife 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: 1 year following the end of the calendar year covered by the records. 50 CFR 16.9, 16.11, 16.12, 16.13, 16.14 (retention: 16.3)

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: 16.3)

2.4 [Deleted]

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: 16.3)

2.6 State fish and game departments conducting fish and 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 final payment. 50 CFR 80.32, 80.33

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 end of 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 250.13

2.9 Applicants for fishing vessel mortgage insurance.

To maintain 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

2.10 State or State agencies receiving Federal funds for research and development of commercial fisheries resources. [Amended]

To maintain records of accounts, reporting and supporting documentation thereto.

Retention period: 3 years after final payment is made. 50 CFR 253.8

2.11 Commercial fishery operators receiving resource disaster loans.

To maintain all records incident to the fishing operation.

Retention period: 3 years after the note has been satisfied. 50 CFR 253.8

2.12 State agencies receiving Federal assistance under the Jellyfish Act of 1966.

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years after final payment is made. 50 CFR 254.15

2.13 Masters of shipping vessels engaged in yellow-fin tuna fishing.

(a) To keep an accurate log of all fishing operations, including the date, locality, and estimated quantity of tuna fish and other marketable fish, by species, which are taken on board.

(b) To retain authenticated copy of report certifying the unloading of all tuna fish on board and that vessel is leaving port to engage in yellow-fin tuna fishing.

Retention period: (a) Not specified; (b) 6 months following date of report. 50 CFR 280.9

2.14 State fishery agencies or other non-Federal interests receiving Federal assistance under the Anadromous Fish Act of 1965. [Amended]

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years following final payment. 50 CFR 401.15

2.15 Contractors and subcontractors of demonstration plants for the production of fish protein concentrate.

To maintain books, documents, papers, and records involving transactions under such contract.

Retention period: 3 years after final payment. Public Law 89-701 (80 Stat. 1090)

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—3.7 [Reserved]

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 [Reserved]

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, re-drilling, or deepening of all holes, showing the formations; and books and records showing 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 301.7

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 301.8

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.

7.2 State and local authorities receiving aid for reclamation and rehabilitation of strip and surface mine areas under the Appalachian Regional Development Act of 1965.

To maintain suitable records and accounts of transactions with and payments to project contractors.

Retention period: 3 years after completion of each individual project. 30 CFR 42.7

7.3 Organizations or institutions (public and private) or individuals receiving Federal grants for solid waste disposal projects.

To maintain records of all property and books of account (including papers explaining and proving validity of transactions recorded) of financial transactions involving Federal grants and those financed with matching funds from other sources.

Retention period: 3 years after last disbursement of such funds. 30 CFR 51.12

7.4 States receiving grants for advancement of health and safety in coal mines.

To maintain books of accounts which reflect the financial transactions involving such grants and transactions financed with matching funds from sources other than the Federal Government.

Retention period: Until the expiration of 3 years after payment under grant. 30 CFR 53.12

7.5 Recipients of grants for support of research related to authorized Bureau of Mines programs.

To maintain books of accounts which reflect the financial transactions involving grants financed under Public Law 85-934 (72 Stat. 1793, 42 U.S.C. 1891-1893), and also transactions financed with matching funds from sources other than the Federal Government.

Retention period: Until the expiration of 3 years after the grantee's last disbursement of such funds. 30 CFR 52.12

7.6 Private helium distributors selling to Federal agencies. [Added]

To keep such helium accounting records as are necessary to assure compliance with regulations in the section cited.

Retention period: At least 1 year following the dates of their applicability, and shall be made available to any duly authorized representative of the Bureau of Mines for examination. 30 CFR 2.4

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

8.2 Concessioners and subconcessioners operating under negotiated contracts in areas administered by National Park Service.

To keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed.

Retention period: 5 calendar years after the close of the business year of concessioner or subconcessioner. 16 U.S.C. 20g

9. Office of Water Resources Research

9.1 Individuals and institutions receiving funds under the Water Resources Research Act of 1964.

To maintain books and records reflecting financial transactions involving allotments, grants, contracts, or other arrangements and all papers necessary to explain or prove the validity of the transactions recorded.

Retention period: 3 years after allottee's or grantee's last disbursement of such funds or after last payment thereunder was received by the contractor. 18 CFR 505.6

10. Federal Water Pollution Control Administration

10.1 State, municipality, interstate, or intermunicipality agencies receiving Federal grants for the construction of treatment works under the Federal Water Pollution Control Act, as amended. [Amended]

To maintain (a) records reflecting the receipt and expenditure of funds and (b) payroll records and kickback statements of laborers and mechanics working at the site.

Retention period: 3 years after date of final settlement. 18 CFR 601.26, 601.27

10.2 State, municipality, interstate, or intermunicipality agencies receiving Federal grants for demonstration projects for control of discharges from stormwater or combined sewerage systems. [Amended]

To maintain (a) accounting and fiscal records reflecting amount, receipt, and disposition of grant assistance, total cost of project, amount and identification of that portion of the cost of the project supplied from other sources, and (b) payroll records and kickback statements of laborers and mechanics working at the site.

Retention period: Not specified. 18 CFR 601.65

10.3 Institutions, organizations, and individuals receiving grants and contracts for basic research or applied research development and demonstration projects, and grants for training projects. [Amended]

To maintain progress, accounting, and fiscal records relating to the conduct of approved projects and use of grant and contract funds.

Retention period: 3 years after date of final settlement. 18 CFR 601.84

10.4 State and interstate agencies receiving Federal grants for assistance in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution. [Added]

To maintain (a) records reflecting the receipt and expenditure of funds, (b) payroll records, and (c) progress records. Retention period: Not specified. 18 CFR 601.2-601.8

10.5 State, interstate, and local agencies receiving Federal grants for planning. [Added]

To maintain (a) records reflecting the receipt and expenditure of funds, (b) payroll records, and (c) progress records. Retention period: Not specified. 18 CFR 601.2-601.8

10.6 Contractors with FWPCA facilities construction, maintenance, and repair contracts. [Added]

To maintain separate accounting and fiscal records to reflect the receipt and expenditure of contract funds for the purpose of the project.

Retention period: 3 years after date of final settlement. 41 CFR 1-3.814-2(c), 1-7.101-30, 1-7.602-5

11. Oil Import Administration

11.1 Persons receiving allocations of imports of crude oil, unfinished oils, and finished products.

To maintain complete and current records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants.

Retention period: 3 years. 32A CFR Ch. X, OI Reg. 1, Sec. 6

VII. DEPARTMENT OF JUSTICE [Revised]

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 require registration, including correspondence, memoranda, and other written communications to and from foreign principals and other persons, names and addresses of persons to whom "political propaganda" has been sent, financial records, etc.

Retention period: 3 years following termination of registration. Upon good and sufficient cause shown in writing to the Assistant Attorney General in charge of the Internal Security Division, 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

1.2 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.

Retention period: 5 years. 15 U.S.C. 1173

1.3 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)

1.4 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)

1.5 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 (28.3 grams) or more in such manner as will identify the foreign consignee.

Retention period: * Permanent. 21 CFR 302.27 (retention: 26 CFR 151.132)

1.6 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)

1.7 Persons surrendering narcotic drugs to the Regional Directors, Bureau of Narcotics and Dangerous Drugs.

To retain duplicate copy of inventory of drugs shipped is required only by registrants rendering returns. All other registrants use Form BND-41, Registrants Inventory of Drugs Surrendered.

Retention period: * 2 years. 26 CFR 151.474(a)

1.8 Forfeitors 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

1.9 Manufacturers of narcotic precursors.

To keep a record of the quantity of precursors manufactured or otherwise acquired, dispositions thereof, names and addresses of persons supplied, quantity supplied to each, and use for which intended.

Retention period: * Not less than 2 years. 21 CFR 307.141

1.10 Manufacturers, compounders, processors, dealers, wholesalers, retailers, jobbers, distributors, and any person otherwise disposing of depressant or stimulant drugs.

To keep complete inventory and continuing records of each such drug manufactured, compounded, processed, stored, received, sold, purchased, delivered, or otherwise disposed of.

Retention period: * Not less than 3 years. 21 CFR 320.16, 320.17

*For record retention requirements for tax purposes, see Internal Revenue Service, XI 4.89-4.119.

VIII. 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; 32 CFR 18.703-1; 41 CFR 1-12.403-1

- 1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5).

(a) To keep payroll and basic records including name and address of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) that the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, and (3) that it is financially responsible.

Retention period: 3 years after termination of contract. 29 CFR 5.5(a)(3) (1) and (6)

- 1.3 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours Standards Act.

To keep records relating to wages and hours.

Retention period: 3 years from completion of contract. 29 CFR 5.5(e), 516.2(a); 32 CFR 12.303-1; 41 CFR 1-12.303

- 1.4 Persons subject to the Farm Labor Contractor Registration Act of 1963.

To keep payroll records showing specified information concerning earnings, hours worked, withholdings from wages, time periods constituting the basis for payment, piece rates, and units of work performed at piece rates for migrant workers engaged in interstate agricultural employment paid by such a contractor either on his own behalf or on behalf of another.

Retention period: Not specified. 29 CFR 40.10

- 1.5 Contractors or subcontractors subject to Service Contract Act of 1965. [Amended]

To keep records relating to work classifications, wages, fringe benefits, hours worked, and safety and health standards.

Retention period: 3 years from completion of the work. 29 CFR 4.6(g), 4.185, 1516.3; 32 CFR 12.1004; 41 CFR 1-12.904-1

- 1.6 Sponsors of apprenticeship and training programs registered with the Bureau of Apprenticeship and Training.

To maintain records of the selection process which includes a brief summary of each interview, and the conclusions on each of the specific factors, e.g., motivation, ambition, willingness to accept direction, which are part of the total judgment. The records shall be made available to the Bureau upon request.

Retention period: 2 years. 29 CFR 30.4(a)(3)

- 1.7 Sponsors of Neighborhood Youth Corps projects and work training and experience programs.

To maintain such records as required by the Secretary for the purpose of the administration of the Economic Opportunity Act of 1964, as amended.

Retention period: Not specified. 29 CFR 50.41, 51.15

- 1.8 Contractors or subcontractors subject to equal opportunity in employment regulations. [Added]

To keep employment or other records as required by the Director, Office of Federal Contract Compliance, the contracting agency, or an applicant for Federal assistance concerning the contract.

Retention period: Not specified. 41 CFR 1-12.805-4, 60-1.7

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

- 3.1 Every labor organization required to file a labor organization information report 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 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 or arrangements 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 reports 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, or the secretary if no other official is designated, of labor organizations conducting election by secret ballot provided for under 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 if no other official is designated, of national or international labor organizations conducting elections by a convention of delegates provided for under 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.

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. 29 U.S.C. 308b; 29 CFR Part 486

3.10 Surety companies required to file reports under section 211 of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the reports may be verified, explained or clarified, and checked for accuracy and completeness.

Retention period: Not less than 5 years after filing of report. 29 CFR 409.5

4. Division of Public Contracts

4.1 Supply 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)

4.3-4.4 [Transferred to 7.8 and 7.9]

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.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6, 1500.86

5.2 Employers subject to the Fair Labor Standards Act 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, sex, occupation, 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.), job evaluations, merit or seniority systems, or other matters which describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.8, 516.11-516.29

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)). [Amended]

To keep records of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months; learning periods when authorized by the certificate; designation of workers who are evaluatees and trainees as authorized by certificate; indication of which workers are under each certificate where more than one certificate held; indication of workers for whom individual certificates held; pricing of work and time studies made to establish prices; documents relating to State certification; and records required under applicable provisions of 29 CFR Part 516.

Retention period: 2 years. 29 CFR 525.13

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 commission employees exempt from overtime pay requirements pursuant to section 7(h). [Amended]

To keep employment records relating to wages, hours, circumstances and conditions of employment, including a symbol or letter to identify each such employee; an indication that the employee's regular rate of pay in each workweek meets requirements of the exemption and basic records demonstrating this fact; copy of the agreement or understanding or summary of its terms, including the basis of compensation, applicable representative period, and the date on which the agreement or understanding was entered into; and total compensation paid to each employee in each pay period stating separately the commission and non-commission straight time earnings.

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 home-

worker, 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 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

5.19 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

5.20 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

5.21 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

5.22 Employers of local delivery drivers and helpers.

To keep records and computations with respect to employees for whom the overtime pay exemption is taken.

Retention period: Not specified. 29 CFR 516.14, 551.9

5.23 Employers, employment agencies, and labor organizations subject to Age Discrimination in Employment Act of 1967. [Added]

(a) *Employers*—to keep records for each employee containing name, address, date of birth, occupation, rate of pay, days worked each week, compensation earned each week, and, where made or obtained, certain other employment records, including those relating to hiring, promoting, or discharging; job descriptions; occupational qualifications; employee benefit plans; seniority and merit systems; job orders; advertisements; and other matters where age might be a factor.

(b) *Employment agencies*—to keep all office copies of referrals, job orders, advertisements, and job applications or resumes.

(c) *Labor organizations*—to keep records identifying members, applicants seeking membership, job orders, and

other records containing requests from employers and referrals made.

Retention period: 3 years. 29 CFR 850.2-850.4

6. [Reserved]

7. Bureau of Labor Standards

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, 1500.85

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 maintain records of all work performed on gear certification, including tests, proof loads, and heat treatment; of the status of the certification of each vessel issued a register by such accredited person.

Retention period: Permanent. 29 CFR 1505.10, 1505.11

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.

(a) 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

(b) To maintain records of tests of strength of stevedoring gear.

Retention period: As long as such gear is in use. 29 CFR 1504.61

(c) To keep records of the dates, times, and locations of tests for carbon mon-

oxide made when internal combustion engines exhaust into the hold or intermediate deck.

Retention period: 30 days after the work is completed. 29 CFR 1504.93

(d) To keep records relating to tests and inspections for the existence of hazardous flammable, explosive, or toxic liquids and gases.

Retention period: 3 months from the date of the completion of the job. 29 CFR 1501.10, 1502.10, 1503.10

7.7 Employers subject to FLSA employing children in occupations in agriculture under Federal service extension exemption. [Added]

To keep the certificate showing minor has fulfilled the requirements under provisions of Federal service extension exemption.

Retention period: Not specified. 29 CFR 1500.70 (f)

7.8 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

7.9 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50-204.317

IX. 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 143.3, 143.7

1.2 Postage meter manufacturers.

(a) 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.

(b) To maintain a record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

Retention period: (a) These records may be destroyed 3 years after the meter is scrapped; (b) permanent. 39 CFR 143.8

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 receivable 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 155.6

X. DEPARTMENT OF STATE

1. Office of Munitions Control

- 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

2. Agency for International Development

- 2.1 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance.

To maintain records and documents of all transactions pertaining to receipt, storage, inspection, and distribution of commodities, including records of receipt and disbursement of funds accruing from the operation of the program.

Retention period: 3 years from close of the U.S. fiscal year to which they pertain. 22 CFR 211.6

- 2.2 AID suppliers of commodities and commodity-related services for AID-financed programs or projects.

To maintain all records pertaining to the supplier's business together with all other documents bearing on supplier compliance with the undertakings and certifications of the Supplier's Certificate, AID Form 282.

Retention period: Not less than 5 years after date of execution of the Supplier's Certificate. 22 CFR Part 201, App. A, sec. 11

XI. 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, as amended, 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 banks' shareholder lists.

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

- 2.5 National banks with 500 or more shareholders of record.

To retain copy of annual report, statements of beneficial ownership and changes in beneficial ownership of national bank securities.

Retention period: Not specified. 12 CFR 10.4, 12.3

3. Bureau of Customs

- 3.1-3.4 [Reserved]

- 3.5 Importers of Patna rice to be used in the manufacture of canned soups.¹⁰

¹⁰ 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.

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 certificate 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; (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.²⁰

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.²⁰

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 identifying such limestone with the import entry.

Retention period: 3 years from date of liquidation of the entry. 19 CFR 10.101

3.11 [Reserved]

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.²⁰ [Amended]

To keep such records of the operation that will show the quantities of metal-bearing materials (a) on hand at the beginning of the period and the dutiable contents thereof; (b) received during the period and the dutiable contents thereof; (c) total to be accounted for and the dutiable contents thereof; (d) on hand at the end of the period and the dutiable contents thereof; and (e) worked during the period and the dutiable contents thereof.

Retention period: 5 years from date of 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 1930.²⁰ [Amended]

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported duty-paid mer-

chandise used or appearing in the exported articles, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is not based on the quantity of imported merchandise appearing in the exported articles, 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 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)

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.²⁰

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.²⁰

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. [Amended]

To keep current records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made with all supporting papers, except those documents they are required to file with Customs, 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 liquidation of the entry becomes final. 19 CFR 31.23²¹

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 as of January 1, 1969. All regulations applicable un-

der 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.

Regulations issued pursuant to the Internal Revenue Code of 1939 and not entirely superseded 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

4.1a Section 38 property; computation of investment credit and qualified investment.

(a) *Members of affiliated group.* Keep as a part of its records a copy of the consent of the common parent (or a copy of the statement containing all the required consents) to the apportionment of the \$25,000 amount among such members. 26 CFR 1.46-1

²⁰ 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.

(b) *Persons computing qualified investment in certain depreciable property.* Maintain sufficient records to determine whether section 47 of the Internal Revenue Code, relating to certain dispositions of section 38 property, applies with respect to any asset. 26 CFR 1.46-3

(c) *Recomputation of credit and qualified investment.* Maintain records which will establish with respect to each item of section 38 property, the following facts: (1) The date the property is disposed of or otherwise ceases to be section 38 property, (2) the estimated useful life which was assigned to the property for computing qualified investment, (3) the month and the taxable year in which property was placed in service, and (4) the basis (or cost), actually or reasonably determined, of the property.

Taxpayers who, for purposes of determining qualified investment, do not use a mortality dispersion table with respect to section 38 assets similar in kind but who consistently assign to such assets separate lives based on the estimated range of years taken into consideration in establishing the average useful life of such assets, must, in addition to the above records, maintain records which will establish to the satisfaction of the district director that such asset has not previously been considered as having been disposed of. 26 CFR 1.47-1

(d) *Disposition or cessation of section 38 property.* Any taxpayer who seeks to establish his interest in a trade or business, a former electing small business corporation, an estate or trust, or a partnership, shall maintain adequate records to demonstrate his indirect interest after any such transfer or transfers. 26 CFR 1.47-3, 1.47-4, 1.47-5, 1.47-6

(e) *Used section 38 property, \$50,000 cost limitation.* Maintain records which permit specific identification of any item of used section 38 property selected, which was placed in service by the person selecting the property. Each member of an affiliated group shall maintain as part of its records a copy of the statement containing the apportionment schedule which was attached to the common parent's return. 26 CFR 1.48-3

(f) *Election of lessor of new section 38 property to treat lessee as purchaser.* The lessor and the lessee shall keep as a part of their records the statements filed with the lessee, signed by the lessor and including the written consent of the lessee. 26 CFR 1.48-4

Retention period: See Item 4.1

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. 26 CFR 1.162-17, 1.274-5

Retention period: See Item 4.1.

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. 26 CFR 1.167(a)-7

Retention period: See Item 4.1.

4.3a *Persons changing method of depreciation of section 1245 property.*

To maintain records which permit specific identification of the section 1245 property in the account with respect to which the election is made, and any other property in such account. The records shall also show for all the property in the account the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, and the remaining useful life of the property. 26 CFR 1.167(e)-1

Retention period: See Item 4.1.

4.3b *Persons claiming a deduction for amounts expended in maintaining certain students as a member of household.*

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. 26 CFR 1.170-2

Retention period: See Item 4.1.

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. 26 CFR 1.177-1

Retention period: See Item 4.1.

4.5 *Persons electing additional first-year depreciation allowance for small business.*

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired. 26 CFR 1.179-4

Retention period: See Item 4.1.

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. 26 CFR 1.265-1

Retention period: See Item 4.1.

4.7 *Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.*

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating

his own statements. 26 CFR 1.274-1, 1.274-5

Retention period: See Item 4.1.

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. 26 CFR 1.332-6

Retention period: See Item 4.1.

4.9 *Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations. [Amended]*

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. 26 CFR 1.333-6

Retention period: See Item 4.1.

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. 26 CFR 1.351-3

Retention period: See Item 4.1.

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. 26 CFR 1.368-3

Retention period: See Item 4.1.

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. 26 CFR 1.371-2

Retention period: See Item 4.1.

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. 26 CFR 1.371-1

Retention period: See Item 4.1.

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. 26 CFR 1.381(c)(6)-1

Retention period: See Item 4.1.

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. 26 CFR 1.393-3

Retention period: See Item 4.1.

4.16a Qualified pension or annuity plans with provisions for certain medical benefits.

To keep a separate account for record-keeping purposes with respect to contributions received to fund medical benefits described in section 401(h) of the Internal Revenue Code. 26 CFR 1.401-14

Retention period: See Item 4.1.

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. 26 CFR 1.442-1

Retention period: See Item 4.1.

4.19 Persons selling by the installment method.

(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. 26 CFR 1.453-1, 1.453-2

Retention period: See Item 4.1.

4.19a Prepaid dues income.

A taxpayer who makes an election with respect to prepaid dues income shall maintain books and records in sufficient detail to enable the district director to determine upon audit that additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year. 26 CFR 1.456-7

Retention period: See Item 4.1.

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. 26 CFR 1.471-1, 1.471-2

Retention period: See Item 4.1.

4.20a Supplemental Unemployment Benefit Trusts. [Added]

To maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. 26 CFR 1.501(c)(17)-2(j)

Retention period: See Item 4.1.

4.20b Farmer's cooperative marketing and purchasing associations. [Amended]

To keep permanent records of the business done both with members and nonmembers, which show that the as-

sociation 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. 26 CFR 1.521-1

Retention period: See Item 4.1.

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. 26 CFR 1.561-2

Retention period: See Item 4.1.

4.21a Mutual savings banks, etc., maintaining reserves for bad debts.

To maintain as a permanent part of its regular books of account, an account for: (1) a reserve for losses on nonqualifying loans, (2) a reserve for losses on qualifying real property loans, and (3) if required, a supplemental reserve for losses on loans. A permanent subsidiary ledger containing an account for each of such reserves may be maintained. 26 CFR 1.593-7

Retention period: See Item 4.1.

4.21b Mutual savings banks, etc., making capital improvements on land acquired by foreclosure.

To maintain such records as are necessary to reflect clearly, with respect to each particular acquired property, the cost of each capital improvement and whether the taxpayer treated minor capital improvements with respect to such property in the same manner as the acquired property. 26 CFR 1.595-1

Retention period: See Item 4.1.

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. 26 CFR 1.611-2

Retention period: See Item 4.1.

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 al-

lowable 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 in-

come from the property computed without the allowance for depletion," as defined in 26 CFR 1.613-4. 26 CFR 1.611-2, 1.613-5

Retention period: See Item 4.1.

4.23a Mineral property, taxable income computation, allocation of section 1245 gain. [Added]

Taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the portion of any gain recognized under section 1245(a)(1) of the Code which is properly allocable to the mineral property in respect of which the taxable income is being computed. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property. 26 CFR 1.613-4

Retention period: See Item 4.1.

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 reserves accounts. 26 CFR 1.611-3

Retention period: See Item 4.1.

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. 26 CFR 1.614-2

Retention period: See Item 4.1.

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 mineral 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. 26 CFR 1.614-3

Retention period: See Item 4.1.

4.26a Persons aggregating operating mineral interests in oil and gas wells in a single tract or parcel of land.

To obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computations prescribed for the fair market value method of determining basis on the aggregation. 26 CFR 1.614-6

Retention period: See Item 4.1.

4.26b Life insurance companies, contracts with reserves based on segregated asset accounts.

Separately account for each and every income, exclusion, deduction, asset, reserve, and other liability item which is properly attributable to such segregated asset accounts and keep such permanent records and other data relating to such contracts as is necessary to enable the district director to determine the cor-

rectness of the application of the separate accounting rules and the accuracy of the computations. 26 CFR 1.801-8(c)

Retention period: See Item 4.1.

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. 26 CFR 1.820-2

Retention period: See Item 4.1.

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. 26 CFR 1.852-6, 1.852-7

Retention period: See Item 4.1.

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. 26 CFR 1.857-6

Retention period: See Item 4.1.

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. 26 CFR 1.905-2

Retention period: See Item 4.1.

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. 26 CFR 1.921-1

Retention period: See Item 4.1.

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.

Must maintain such records and other documents as are necessary to determine the applicability of the exception. 26 CFR 1.934-1

Retention period: See Item 4.1.

4.32b United States shareholders of controlled foreign corporations.

To provide permanent books of account or records which are sufficient to verify for the taxable year subpart F, export trade, and certain other classes of income and the increase in earnings invested in United States property. 26 CFR 1.964-3

Retention period: See Item 4.1.

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. 26 CFR 1.1014-4

Retention period: See Item 4.1.

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, or its fair market value as of the date of

the gift, to insure a fair and adequate determination of the proper basis. 26 CFR 1.1015-1.

Retention period: See Item 4.1.

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. 26 CFR 1.1081-11

Retention period: See Item 4.1.

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. 26 CFR 1.1101-4

Retention period: See Item 4.1.

4.36a Gain upon sale or exchange of obligations issued at an original issue discount after December 31, 1954.

Taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known or reasonably ascertainable by him). If the obligation held is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) of the Code (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligations for purposes of applying section 1.1037-1 of the regulations upon the disposition or redemption of such obligations. 26 CFR 1.1232-3(f)

Retention period: See Item 4.1.

4.37 Persons engaged in arbitrage operations in stock 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. 26 CFR 1.1233-1

Retention period: See Item 4.1.

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. 26 CFR 1.1244(e)-1

Retention period: See Item 4.1.

4.38a Foreign investment companies.

To maintain and preserve such permanent books of account, records, and other documents as are sufficient to establish what its taxable income would be if it were a domestic corporation. Generally, if the books and records are maintained in the manner prescribed by regulations under section 30 of the Investment Company Act of 1940, the requirements shall be considered satisfied. 26 CFR 1.1247-5

Retention period: See Item 4.1.

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. 26 CFR 1.1321-1, 1.1321-2

Retention period: See Item 4.1.

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 holding company income.

(2) In the case of a partnership, separate capital accounts shall be 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. 26 CFR 1.1361-10, 1.1361-14

Retention period: See Item 4.1.

4.41 Records by small business corporations of (1) distributions of previously taxed income and (2) undistributed taxable income. [Amended]

A small business corporation must keep records of (1) distributions of the net share of the previously taxed income of each shareholder and (2) each person's share of undistributed taxable income. In addition, each shareholder

of such corporation shall keep a record of his own net share of previously taxed income and undistributed taxable income and shall make such record available to the corporation for its information. 26 CFR 1.1375-4; 1.1375-6

Retention period: See Item 4.1.

4.41a Persons required to withhold tax on nonresidential 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. 26 CFR 1.1461-2

Retention period: See Item 4.1.

4.41b Affiliated group; (1) intercompany transactions, accounting for deferred gain or loss, and (2) allocation of Federal income tax liability. [Amended]

(1) Maintain permanent records (including work papers) which will properly reflect the amount of deferred gain or loss and enable the group to identify the character and source of the deferred gain or loss to the selling member and apply the applicable restoration rules. (2) If an affiliated group elects to use the method of allocating Federal income tax liability provided in section 1.1502-33(d) (2) (i) of the regulations, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of paragraphs (a) (1) and (b) (1) of such subdivision (i). In addition, allocations of tax liability may be made in accordance with any other method approved by the Commissioner, but a condition of such approval shall be that the group maintain specific records to substantiate its computations pursuant to such method. 26 CFR 1.1502-13(c) (5); 1.1502-33; 1.1552-1

Retention period: See Item 4.1.

4.42 Tax-exempt organizations. [Amended]

(a) *General.* 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. An organization claiming an exception from the filing of an information return must maintain adequate records to substantiate such claim.

(b) *Employees' trusts.* To keep as a part of its records, written notification from an employer to the trustee that the employer has or will timely file the information required under section 404 of the Internal Revenue Code. 26 CFR 1.6033-1

Retention period: See Item 4.1.

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.

Must maintain such records as will permit a prompt substantiation of each

payment of dividends made to the actual owner. 26 CFR 1.6042-1

Retention period: See Item 4.1.

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.

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. 26 CFR 1.6047-1

4.42c Persons making payments of estimated tax installments in foreign currency.

Maintain a copy of the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency which are expected to be received during the taxable year for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency. 26 CFR 301.6316-6

Retention period: See Item 4.1.

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 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 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

4.44a Domestic building and loan associations.

To maintain adequate records to establish to the satisfaction of the district director that various assets tests are met for taxable years beginning after October 16, 1962, and ending before November 1, 1964. 26 CFR 301.7701-13

Retention period: See Item 4.1.

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.

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 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) 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 [Reserved]

4.49 Employers required to deduct and withhold income tax on wages which include sick pay.

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 constitutes 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 calendar 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 per-

manent residents of the Virgin Islands. (See 26 CFR 31.3401(a)-1(b)(12).)

(7) Copies of any statements furnished by the employee relating to non-resident alien individuals. (See 26 CFR 31.3401(a)(6)-1 and 31.3401(a)(7)-1.)

(8) Copies of any statements furnished by the employee relating to residence or physical presence in a foreign country. (See 26 CFR 31.3401(a)(8)(A)-1.)

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico. (See 26 CFR 31.3401(a)(8)(C)-1.)

(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. (See 26 CFR 31.3401(a)-1(b)(8)(i).)

(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 absence 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. (See 26 CFR 31.3402(i)-1.)

(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. (See 26 CFR 31.3401(a)(4)-1.)

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. (See 26 CFR 31.3401(a)(11)-1.)

(b) The employer shall keep records of the details of each adjustment or settlement of income tax withheld. (See 26 CFR 31.3402.)

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 40.4220-3, 40.4220-4, 48.4041-5—48.4041-9, 48.4071-2, 48.6416, 48.6420, 48.6421; App. D 314.62, 316.7, 316.202

4.57—4.59 [Reserved]

4.59a Persons acquiring secondhand highway motor vehicles.

To maintain as part of his records evidence showing whether there was taxable use of such vehicle at any time in the taxable period prior to the time when the vehicle was registered in his name. If evidence is not obtained showing whether there was such use, the person must keep as part of his records a written statement of the reasons why he was unable to obtain such evidence.

Retention period: At least 3 years after the date the tax becomes due or the date the tax is paid, whichever is later. 26 CFR 41.4481-2 (retention: 41.6001-1)

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 period 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 who claims exemption from tax with respect to a transit-type bus shall keep records sufficient to show, with respect to each taxable period, whether he meets the 60-percent passenger fare revenue test for the period prescribed as the test period for such system for such taxable period.

(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 local and toll telephone services and teletypewriter services.

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 49.4253-11; App. D 130.71, 130.77

4.62—4.64 [Reserved]

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 of, 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 [Reserved]

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 [Reserved]

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 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 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 "acc't. 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.

(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 paragraph (b) below.

(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 microfilm 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.

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 (retention: 46.6001-1)

4.76—4.78 [Reserved]

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—4.82 [Reserved]

4.83 Persons claiming exemption from tax on the sale or use of diesel fuel, special motor fuel, and lubricating oil.

(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 any of the credits, refunds, or exemptions claimed.

(b) *Dual use of taxable liquid.* If the taxable liquid used in a separate motor, or during a period the vehicle does not have the essential characteristics of a

motor vehicle, is drawn from the same tank as the one which supplies fuel for the propulsion of the vehicle, a reasonable determination of the quantity of taxable liquid used in such separate motor or during such period will be acceptable for purposes of application of the tax. Such determination must be based, however, on the operating experience of the person using the taxable liquid and the taxpayer must maintain records which will support the allocation used.

(c) *Use as supplies for vessels or aircraft.* Seller must obtain and retain a properly executed exemption certificate, maintain records of invoices, orders, etc., relative to tax-free sales.

(d) *Use on a farm for farming purposes.* Maintain adequate records to establish that the taxable liquid was used on a farm for farming purposes.

(e) *Sales to State, Territory of the United States or a political subdivision or the District of Columbia.* Vendor must retain clearly identified orders or contracts properly signed by an authorized officer that the liquid sold was purchased for the exclusive use of a State, Territory of the United States, or a political subdivision, or the District of Columbia.

(f) *Sales for export.* Vendor must maintain adequate records, such as export bill of lading, certificate of carrier or customs officer, or statement of foreign consignee, to establish that the liquid was sold for export and actual exportation.

(g) *Sales to nonprofit educational organizations.* Retailer must obtain from purchaser and retain a properly executed exemption certificate.

Retention period: 4 years from the date the tax became due or, in the case of tax-free sales, for a period of at least 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, 48.4041-8, 48.4041-9, 148.1-4 (retention: App. D 314.62, 324.42)

4.83a 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 48.4071-2, 48.4073-3

4.84 Sales on or after July 1, 1966, of lubricating oil seldom used as a lubricant.

Manufacturers must obtain from the purchaser and retain in his possession a properly executed exemption certificate. The certificates and proper records of invoices, orders, etc., relative to such sales must be kept for inspection by the district director.

Retention period: So long as the contents thereof may become material in

the administration of any internal revenue law. 26 CFR 48.4091-6

4.85 Claims by suppliers for credit or refund due to repeal of tax by Excise Tax Reduction Act of 1965.

(1) An inventory statement of articles held for sale on the first moment of June 22, 1965, by a retailer, and not used, must be kept in the supplier's records; (2) either evidence that the supplier has reimbursed the retailer or the written consent of the retailer to the allowance of the credit or refund to the supplier must be kept in the supplier's records.

Retention period: Not specified. 26 CFR 48.6011(c)-1

4.86 Persons claiming a credit or refund for diesel fuel, special motor fuel, lubricating oil, or 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 48.6416(b)-2, 48.6420(f)-1, 48.6421(g)-1

4.86a Manufacturer of tires and tubes floor stocks inventories October 1, 1966.

Maintain physical inventory of tires and inner tubes held at each retail outlet as of 12:01 a.m., on October 1, 1966.

Retention period: Not specified. 26 CFR 144.1-2(d)

4.87—4.88 [Reserved]

4.88a Persons seeking credit or refund due to tax reduction or repeal.

(a) *Floor stocks.* Every manufacturer filing a claim for credit or refund shall support the claim by keeping as a part of his records dealer's inventory statements and records showing: (1) the name and address of the dealer; (2) quantities of each article; (3) the amount of tax paid on each article held by the dealer; (4) the amount of tax computed at the new rate; (5) the total amount of reimbursement due the dealer; (6) the date the reimbursement request was received from the dealer; (7) the date and amount of each payment to the dealer or the date of receipt from the dealer of written consent to the credit or refund.

(b) *Consumer purchases.* Every manufacturer filing a claim for credit or refund shall support the claim by keeping as a part of his records: (1) the name and address of the ultimate purchaser of the article; (2) the name and address of the dealer from whom the ultimate purchaser purchased the article; (3) the date of the sale of the article to the ultimate purchaser; (4) the invoice number of the sales slip; (5) the serial or identification number of the item sold; and (6) the date and amount of reimbursement to the ultimate purchaser with a receipt or cancelled check.

(c) *Installment sales.* The vendor, either a manufacturer or retailer, shall retain sufficient evidence of reimbursement or the reimbursement obligation.

Retention period: Not specified. 26 CFR 145.2-1, 145.2-2, 145.2-4, 145.2-5

4.88b Manufacturers making tax-free sales of supplies for vessels and aircraft.

To retain in his possession properly executed exemption certificates and supporting invoices, orders, etc., relative to the tax-free sales.

Retention period: Not specified. 26 CFR 145.4-1

4.88c Persons making premium payments on or after January 1, 1966, to foreign insurers, reinsurers, non-resident agents, solicitors, or brokers.

To keep or cause to be kept accurate records of all premium payments, policies, or other instruments subject to the tax imposed by section 4371 of the Code. Records must be kept on file at the place of business or at some other convenient location in such manner as to be readily accessible to authorized internal revenue officers or employees.

Retention period: At least 3 years from the date any part of the tax became due or the date any part of the tax is paid, whichever is later. 26 CFR 145.5-1

4.88d Interest equalization tax; acquisitions of foreign stock or debt obligations.

(a) *Exclusion of original or new Japanese issues.* A participating custodian will with respect to all debt obligations included in the original or new issue of which such debt obligation is part (and all other debt obligations with an

identical description not included in such original or new issue) maintain in the United States separate records, readily available for inspection by authorized officers or employees of the Internal Revenue Service, relating to the authentication, registration, and physical replacement and conversion of all debt obligations. Such records will specifically identify each transaction involving a bond, debenture, or other written evidence of any such debt obligation. 26 CFR 147.4-7

(b) *Exemption for prior American ownership.* A nominee, member or member organization of a national securities exchange or association registered with the Securities and Exchange Commission (acting as a nominee) shall maintain records sufficient to identify the U.S. owner for whom the stock or debt obligations were held and to establish the status of such owner as a U.S. person eligible to execute a certificate of American ownership for purposes of section 4918(a) of the Code. 26 CFR 147.5-1

(c) *Election to treat foreign branch office as a foreign corporation or partnership.* Foreign branch office to maintain separate books and records reasonably reflecting the assets and liabilities properly attributable to such office. 26 CFR 147.7-3; 147.7-6

(d) *U.S. persons' acquisitions for own account.* Keep adequate records of acquisitions after July 18, 1963, sufficient to determine tax liability with respect to such acquisitions. Retain written confirmations which accompany any acquisitions. 26 CFR 147.8-4(c)

(e) *Members or member organizations of certain securities exchanges or associations effecting transactions as brokers.* Keep separate files of (1) certificates of American ownership or blanket certificates of American ownership; (2) copies of confirmations; and (3) documents relating to acquisitions. Arrange each file in the same order as the customer accounts and chronologically within each account. 26 CFR 147.8-4(c)

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 147.8-4(d)

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 151.131

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 accompany-

ing 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 151.287, 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). [Amended]

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. Hospitals and institutions registered in Classes III and IV may keep single set of records.

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 disposition 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 of or dealers in preparations classified as Class "X" products who are also registered as manufacturers of 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) *Transfers.* 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 4.103 above with additional data, in the case of pharmacological 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 narcotics 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 of undesired narcotics.

To retain duplicate copy of inventories of excess or undesired narcotics shipped to narcotic district supervisor and a copy of Form 142 for narcotics held in class for which returns are not required.

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 152.26

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 152.69

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 152.73, 152.74

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 152.84

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 152.88, 152.89, 152.102

4.113 Persons required to render returns with respect to marihuana.

To retain duplicates of such returns.

Retention period: 2 years. 26 CFR 152.98, 152.102

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 152.100, 152.102

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 152.101, 152.102

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 152.102

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 152.127

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 152.128

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 152.128

4.120—4.122 [Reserved]

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 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. 26 CFR App. D 314.62

4.124—4.125 [Reserved]

4.126 Persons required to file a return and pay tax on the sale or use of diesel fuel and special motor fuel.

To keep accurate records and accounts of all taxable transactions.

Retention period: 4 years from the date the tax became due. 26 CFR App. D 324.42

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 liquor bottles. [Revised]

To keep records of the receipt, manufacture, and disposition of liquor bottles.

Retention period: 3 years. 26 CFR 173.39 (retention: 173.15)

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, 194.223, 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, 194.223 (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 194.223, 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 fermenting 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.

(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.

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed, and returned concentrates received; 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 and, in the case of concentrates shipped to or returned by a bonded wine cellar, the registry number of such bonded wine cellar and the identity of such concentrate.

(b) To keep file copies of Form 3874, Notice of Transfer of Fruit-Flavor Concentrate.

(c) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.116, 198.117, 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. [Amended]

(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 redensation 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) *Rectification and bottling 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 liability accounts; 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 170.60, 170.61, 170.62, 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, 201.463-201.468, 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) *Wholesale liquor dealer and taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises of restamping operations, 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)

(h) *Receipt, use, and disposition of liquor bottles.* To keep, as prescribed by regulations, records covering the receipt, use, and disposition of liquor bottles in such manner as to enable any internal revenue officer to verify and trace the receipt and disposition of such bottles.

Retention period: Not less than 4 years. 26 CFR 201.630a (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, 211.125, 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, receipts, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.125, 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, redensation (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 redensation), lost, and otherwise disposed of, and (b) products and articles manufactured and the disposition of such products and articles.

Retention period: 3 to 6 years. 26 CFR 211.139, 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, nonbeverage 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, or concentrated juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, volatile fruit-flavor concentrates, and other materials used in production of wine, nonbeverage wine, and allied products and in cellar and finishing operations; fermentation; amelioration and sweetening; 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 170.683, 170.686, 170.690, 240.359a, 240.362, 240.363, 240.366, 240.367, 240.368, 240.375-240.379, 240.382-240.385, 240.402, 240.406, 240.407, 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, 240.908-240.911, 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, wine spirits, nonbeverage wine, and volatile fruit-flavor concentrates 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 170.691, 240.359a, 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, wine spirits, and nonbeverage wine, including transfers between bonded premises, return of wine to bonded storage, return of concentrates to volatile fruit-flavor concentrate plants, tax payment 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 170.687, 240.359b, 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 170.690, 240.801, 240.921-240.925 (retention: 240.924)

4.154 Brewers. [Amended]

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; production of wort, wort concentrate, malt sirup, and malt extract for sale or removal; 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 and malt; 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; removal of wort, wort concentrate, malt sirup, and malt extract; 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)

4.154a Operators of experimental breweries. [Added]

To keep, as required by regulations, records including information sufficient to account for the receipt, production, and disposition of all beer received or produced on the premises and the receipt (and disposition, if removed) of all brewing materials.

Retention period: Not specified. 26 CFR 245.256

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, 2901, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.78-250.81, 250.112 (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, 2927, and 2928.

Retention period: Not less than 2 years. 26 CFR 250.93-250.96, 250.112 (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, 2929, and 2930.

Retention period: Not less than 2 years. 26 CFR 250.102-250.105, 250.112 (retention: 250.276)

4.159 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Forms 487-B and 3039.

Retention period: Not less than 2 years. 26 CFR 250.88, 250.89, 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)

4.162a Importers of distilled spirits receiving and storing used liquor bottles pending return to Puerto Rico or the Virgin Islands or exportation. [Added]

To keep records of the receipt and disposition of used liquor bottles.

Retention period: Not less than 2 years. 26 CFR 250.319, 251.209 (retention: 250.276, 251.137)

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.

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)

TABACCO

4.177 Manufacturers of tobacco products. [Amended]

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to engage in another business within the factory, to use alternate means for marking packages of cigars or cigarettes, to repackage cigars or cigarettes, to remove cigars or cigarettes in bond for experimental purposes, to temporarily store cigars or cigarettes outside of factory, and to destroy cigars or cigarettes without supervision.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 270 and 295 are concluded. Not

specified for authorizations granted under Part 290. 26 CFR 270.45, 270.46, 270.47, 270.212, 270.217, 270.232, 270.251, 270.253, 290.72, 290.73, 290.184, 295.21, 295.22 (retention under Part 270: 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 Form 3065 or Form 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of cigars and cigarettes removed subject to tax and transferred in bond, and separate records with respect to Puerto Rican cigars and cigarettes released from customs custody, without payment of tax. To keep daily records of his operations in tobacco.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.182, 270.183, 270.184, 270.186, 275.139 (retention: 270.185, 275.22)

4.180 Manufacturers of tobacco products.

To keep a copy of each inventory, Form 3067.

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 cigars and cigarettes 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, credit, 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, 270.286, 270.287 (retention: 270.185)

4.183 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigars, cigarettes, or cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release

is made. 26 CFR 275.86, 275.138 (retention: 275.22)

4.184 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigars and cigarettes 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 cigars and cigarettes, 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 from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (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. [Amended]

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 operations under authorizations granted under Parts 285 and 295 are concluded. Not specified for authorizations under Part 290. 26 CFR 285.34a, 285.35, 290.73, 295.21, 295.22 (retention under Part 285: 285.31)

4.189 Manufacturers of cigarette papers and tubes.

To keep a copy of each inventory, Form 2132.

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, credit, 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 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of each prepayment return, Form 3073.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.105 (retention: 275.22)

4.196 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep certified copy of notice of release, Form 3072.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.137 (retention: 275.22)

4.197 Puerto Rican manufacturer shipping cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of semimonthly tax return, Form 2988.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.112 (retention: 275.22)

4.198 Importers of cigars, cigarettes, or cigarette papers or tubes.

To keep receipted copy of each return made on customs form.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.81 (retention: 275.22)

4.199 Importers of cigars, cigarettes, 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 cigars, cigarettes, 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 Proprietors of bonded internal revenue tobacco export warehouses.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: Not specified. 26 CFR 290.72, 290.73

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, Form 2149 or 2150, covering receipt of cigars, cigarettes, and cigarette papers and tubes from a manufacturer, another export warehouse proprietor, or customs warehouse proprietor, and of each Form 2150 covering such 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, 290.201

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

4.204a Proprietors of bonded internal revenue tobacco export warehouses. [Amended]

To keep a copy of each claim for remission, Form 2635, and for refund, Form 843.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.152, 290.154

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 290.201, 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 respect 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, importers, dealers, and collectors. [Amended]

To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all firearms and ammunition produced, imported, received or disposed of in the course of licensed operations.

Retention period: For ammunition—2 years from date transaction occurs. For firearms—permanent. Upon discontinuance of business, firearms and ammunition records must be delivered to successor, or, if discontinuance of the business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 178.122—178.127

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, Tobacco and Firearms 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, Cuban Assets Control Regulations, Foreign Funds Control Regulations, and Rhodesian Sanctions Regulations. [Amended]

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, 520.601, 520.804, 530.601, 530.804.

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 assay office at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 Persons delivering silver to a mint or assay office pursuant to the Coinage Act of 1965.

To maintain records of all acquisitions and dispositions of newly-mined domestic silver.

Retention period: 5 years following date of transaction to which they relate. 31 CFR 81.8, 81.10

7. [Transferred to VII]

8. Bureau of the Public Debt

8.1 [Reserved]

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

XII. DEPARTMENT OF TRANSPORTATION

1. Federal Aviation Administration

1.1 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 21.125

1.2 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 21.303

1.3 Certificated air carrier and commercial operator.

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.

Retention period: (a) Records of major structural repairs and major alterations, including records of last complete overhaul cycle—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 43.9

1.4 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).

Retention period: At least 2 years. 14 CFR Part 43, App. B

1.5 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

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 Administration or the National Transportation Safety Board. 14 CFR 121.343

1.6 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers or aircraft dispatchers.

Retention period: At least 6 months after termination of employment. 14 CFR 121.683

1.7 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain (a) 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; (b) an aircraft maintenance log; (c) copies of alteration and repair reports; and (d) copies of airworthiness release forms.

Retention period: Not specified for (a), (b), and (c); 2 months for (d). 14 CFR 121.699, 121.701, 121.707, 121.709

1.8 Flag and domestic air carriers.

To maintain a list of aircraft in current operation and airplanes operated under interchange agreements.

Retention period: Not specified. 14 CFR 121.685

1.9 Flag and domestic air carriers.

To retain copies of load manifests, dispatch releases, and flight plans.

Retention period: 3 months. 14 CFR 121.695

1.10 Flag and domestic air carriers.

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 121.711

1.11 Air taxi operators and commercial operators of small aircraft.

To maintain at principal business office (a) a current list of aircraft used or available for use and the operations for which each is equipped and (b) an individual record of each pilot used (including name, certificate and ratings held, aeronautical experience, current duties, medical certificate, etc.).

Retention period: 1 year. 14 CFR 135.43

1.12 Registered owners or operators of civil aircraft.

To keep separate, current maintenance record for aircraft and each engine, including kind and extent of maintenance and alteration, and date work is done; listing of compliance with mandatory service bulletins, airworthiness directives, and method of compliance; current empty weight, empty center of gravity, and useful load; addition or removal of optional equipment, or of required equipment in exchange for optional equipment; total time in service of aircraft; and total time in service and history of each engine overhauled, repaired or reassembled to standards other than those for rebuilt engines.

Retention period: Not specified, but records must go to next owner. 14 CFR 91.173

1.13 Air carriers (utilizing helicopters in scheduled interstate air transportation). [Amended]

To keep (a) maintenance records of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, engines, rotors, and appliances, and (b) a maintenance log for all data specified in (a), except time since last overhaul.

Retention period: Not specified. 14 CFR 127.309, 127.311.

1.14 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crewmember as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember.

Retention period: At least 3 months. 14 CFR 127.301

1.15 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of load manifest, flight release, and airworthiness release forms.

Retention period: At least 60 days. 14 CFR 127.307, 127.319

1.16 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3

1.17 Pilots.

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, or the recent flight experience requirements of 14 CFR 61.47, including as to each flight such general data as points of departure and arrival, date, duration, and identification mark; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.39

1.18 Airline transport pilots.

To keep an accurate and legible record of flying time in a bound logbook arranged for easy reference, including specified information on each flight. Pilot must certify solo flying time entries, and his instructor must certify entries on instruction.

Retention period: Not specified. 14 CFR 61.41

1.19 Flight instructors.

To maintain separately or in his logbook a record of (a) the name of each person to whom he has given flight instruction or whose student pilot certificate he has endorsed, and the date and type of each flight instruction period or endorsement, and (b) the name of each person for whom he has signed a recommendation for a written or flight test, under this part, the kind of test, and the date of recommendation.

Retention period: 3 years. 14 CFR 61.174

1.20 Flight navigator training 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: During continuation of approval of course. 14 CFR Part 63, App. B, para. (f)

1.21 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 record is made. 14 CFR 65.131

1.22 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: During continuation of approval of course. 14 CFR Part 65, App. A, para. (g)

1.23 Certificated pilot schools.

To keep a current, accurate, and individual 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: 1 year following student's graduation or termination of his participation in the training course. 14 CFR 141.21

1.24 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

1.25 Certificated domestic repair stations.

To maintain adequate records of work performed, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work.

Retention period: At least 2 years. 14 CFR 145.61

1.26 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

1.27 Certificated aircraft mechanic schools.

To keep (a) current record of each student enrolled showing his attendance, courses, tests, and grades, instruction credited by reason of instruction completed at another mechanic school (or other specified source), and authenticated transcript of his grades; and (b) current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student in each phase of his course.

Retention period: At least 2 years after the end of the student's enrollment as to (a); (b) not specified. 14 CFR 147.33

1.28 Holders of parachute loft certificates.

To maintain records of work performed, including names of persons doing the work.

Retention period: At least 2 years. 14 CFR 149.15

1.29 Owners of VOR, nondirectional radio beacon, and instrument landing system facilities.

To keep for each facility the following records on the forms named, or on an

equivalent form acceptable to the Regional Director: (a) Record of meter readings and adjustments—Form FAA-198 (1 copy); (b) Facility maintenance log—Form FAA-406c (original); (c) Radio equipment operation record—Form FAA-418 (original); and (d) VOR check error data, FAA Forms 2396 and 2397 (originals—for VOR facilities only).

Retention period: Permanent for (a) and (b); not specified for (c) and (d). 14 CFR 171.13, 171.33, 171.53, 171.73

1.30 Manufacturers of aircraft.

To maintain at factory, for each product type certificated under the delegation option procedures, current records containing the following: (a) technical data file including type design drawings, reports on tests, and original type inspection report and amendments; (b) data (including amendments) required with original application for each production certificate; (c) record of all rebuilding and alteration performed; (d) complete inspection record for each product manufactured; (e) record of reported service difficulties.

Retention period: (a), (b), and (c) for the duration of the manufacturing operation under the delegation option authorization; (d) and (e), 2 years. 14 CFR 21.293

1.31 Contractors for construction of public airports.

To keep payrolls and basic records during the course of the work for all laborers and mechanics as specified in the Appendix cited.

Retention period: 3 years from the completion of the work. 14 CFR 151.49; Part 151, App. H, para. C(1)

1.32 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payrolls furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53

1.33 Sponsors of the construction of public airports.

To retain in its files documentary evidence supporting each item of project cost, such as invoices, cost estimates and payrolls. 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

1.34 Supplemental air carriers and commercial operators.

To maintain originals or copies of load manifests, flight releases, flight plans, airworthiness releases, and pilot route certification.

Retention period: 6 months. 14 CFR 121.697

1.35 Commercial operators using large aircraft.

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 121.713

1.36 Commercial agricultural aircraft operators.

To maintain records showing name and address of persons for whom service was provided, date of service, name and quantity of material dispersed for each operation conducted, and the name, address, and certificate number of each pilot used, and the date he met the requirements of 14 CFR 137.19(c).

Retention period: At least 12 months. 14 CFR 137.71

1.37 Designated alteration stations.

To maintain current records of technical data (including drawings, photographs, specifications, instructions, and reports) for each product for which it has issued a supplemental type certificate; list of products by make, model, manufacturer's serial number, etc.; and a file of information on alteration difficulties of products altered.

Retention period: For duration of the operation under the DAS authorization. 14 CFR 21.493

1.38 Flight engineer training course operators.

To keep a record of each student's training, including a chronological log of the subject course, attendance, examinations, and grades.

Retention period: At least 2 years after student graduates, fails, or drops from course. 14 CFR Part 63, App. C, para. (g)

1.39 Domestic, flag, and supplemental air carriers.

To keep a log of each flight conducted with a provisionally certificated airplane and to keep accurate and complete records of each inspection and all maintenance performed on the airplane.

Retention period: Not specified. 14 CFR 121.207

1.40 Domestic, flag, and supplemental air carriers, and commercial operators of large aircraft.

To keep, in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of its regulations, the information recorded on cockpit voice recorders.

Retention period: At least 60 days or longer if requested by the Administrator or the Board. 14 CFR 121.359

1.41 Domestic, flag, and supplemental air carriers.

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 121.371

1.42 Domestic, flag, and supplemental air carriers.

To establish and maintain a record system on each trainee trained in an airplane simulator course, indicating the kind, amount, and dates of training received and certification of satisfactory completion.

Retention period: Not specified. 14 CFR 121.442(b)(4)

1.43 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep a log of each flight conducted with a provisionally certificated helicopter and to keep accurate and complete records of each inspection made and all maintenance performed on the helicopter.

Retention period: Not specified. 14 CFR 127.85

1.44 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 127.135

1.45 Air travel clubs using large airplanes. [Added]

To maintain (a) current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers as aircraft dispatchers, and (b) an aircraft maintenance log.

Retention period: At least 6 months after termination of employment. 14 CFR 121.683

2. Federal Highway Administration**2.1 State highway departments or their agents.**

To maintain all records and documents as may be prescribed in the "Retention Schedule of Federal-Aid Highway Records for State Highway Departments" relating to (a) projects undertaken pursuant to Federal law and regulations, and (b) toll facilities financed in part with Federal funds.

Retention period: (a) 3 years from date of final payment of Federal funds to State or as otherwise specified in the retention schedule, and (b) at least 3 years after facility has been operated on a free basis. 23 CFR 1.30

2.2 Manufacturers of motor vehicles and motor vehicle equipment.

To maintain such books, records, papers, and documents relating to the safety standards of motor vehicles and motor vehicle equipment.

Retention period: Not specified. Public Law 89-563 (80 Stat. 725)

2.3 Class I and II motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.4 Class III motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

2.5 Private carriers subject to Part II of the Interstate Commerce Act. [Amended]

To keep records as listed in the sections cited.

Retention period: Various. 49 CFR 391.10, 394.3, 395.8, 396.2, 396.7

2.6 Motor carriers exempt under section 203(b) of the Interstate Commerce Act. [Amended]

To keep records as listed in the sections cited.

Retention period: Various. 49 CFR 391.10, 394.3, 394.6, 395.8, 395.9, 396.2, 396.7

2.7 Carriers of migratory workers by motor vehicles. [Amended]

To keep records as listed in the section cited.

Retention period: Various. 49 CFR 398.3

2.8 States participating in the national highway safety program. [Added]

To maintain records described in the Highway Safety Program Standards 1, 2, 5, 10, and 14.

Retention period: Not specified. 23 CFR 204.4

3. United States Coast Guard**3.1 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

3.2 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 an-

nealing 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)

3.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment. [Amended]

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, 97.15-60(b)

3.4 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)

3.5 Masters of tank vessels or vessels towing tank barges transporting flammable 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)

3.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills. [Amended]

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, 196.15-35

3.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties. [Amended]

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom 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, 196.07-15

3.8 Masters or senior deck officer of tank ships in charge of transfer of flammable 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

3.9 Fabricators to keep welders' qualification test records and pipe welding process records.

To maintain qualification test records with identification data.

Retention period: For period of validity of welder's certificate. 46 CFR 56.01-10, 56.01-80 (retention: 2.95-5)

3.10 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

3.11 Masters of passenger vessels other than those making foreign or intercoastal voyages.

To have official logbook (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

3.12 Masters of passenger vessels where an official logbook 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

3.13 Owners, masters, or persons in charge of vessels required to display plans. [Amended]

To keep on board for guidance of officer in charge the general arrangement plans of passenger vessels of 1,000 gross tons and over, passenger vessels of any tonnage on an international voyage, cargo barges with sleeping accommodations for more than six persons, self-

propelled cargo vessels and manned oceanographic vessels.

Retention period: At all times vessel is in navigation. 46 CFR 78.45-1, 97.36-1, 196.36-1

3.14 Masters of cargo and miscellaneous vessels other than those making foreign or intercoastal voyages.

To have official logbook (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

3.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges, magazine vessels, and oceanographic vessels). [Amended]

To keep records of temperature readings.

Retention period: 1 year for vessels; not specified for oceanographic vessels. 46 CFR 146.02-12, 196.85-1

3.16 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

3.17 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

3.18 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

3.19 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

3.20 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 98.03-35, 146.06-12

3.21 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 146.06-12 (retention: 146.02-22)

3.22 Contractors and subcontractors, with vessel repair, alteration, or conversion contracts.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the contract. 41 CFR 11-7.5001-31

3.23 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.

3.24 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 U.S. Coast Guard. 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 Commandant. 46 CFR Part 403

3.25 Masters or operators of vessels subject to Oil Pollution Act of 1961, as amended.

To keep on board an Oil Record Book and enter therein a descriptive statement of the circumstances of and reasons for discharge of oil or oily mixtures, the escape of oil or oily mixtures, or the discharge of residue arising from purification or clarification of fuel oil or lubricating oil, and entries regarding various activities which may result in discharging oil or oily mixtures.

Retention period: 2 years from the date of the last entry, or until surrendered to the U.S. Government. 33 CFR 151.35

3.26 Owners, operators, and/or masters of oceanographic vessels. [Added]

(a) To keep official logbook, or (b) for vessels not required to have such a logbook, to keep their own logs or records as prescribed by regulations.

Retention period: (a) 1 year or for period of validity of vessel's current certificate of inspection, whichever is longer; (b) 1 year, except for separate records of tests and inspections of fire-fighting equipment, which shall be maintained for the period of validity of the vessel's certificate of inspection. 46 CFR 196.35-3

3.27 Masters of ships subject to International Convention on Load Lines, 1966. [Added]

To enter in the ships logs, before departure from loading port, the data required by section 6 of the load line acts, including statements of load line marks applicable to the voyage, position of load line marks, and actual drafts of the vessel.

Retention period: Until official logbook is surrendered to Coast Guard, or 1 year for ships not required to use official logbook. 46 CFR 42.07-20

4. Federal Railroad Administration

4.1 Railroad companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

4.2 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

4.3 Sleeping car companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1222

4.4 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

4.5 Pipeline companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1224

XIIa. APPALACHIAN REGIONAL COMMISSION

1.1 Recipients of grants.

To maintain accurate and complete records of transactions and activities financed with Federal funds under section 302 of the Appalachian Regional Development Act of 1965, as amended.

Retention period: Not specified. 40 App. A, U.S.C. 302(c) (2)

The Commission requires, as a condition in all grants and contracts under this section, that records be retained, usually for 3 years following last disbursement.

XIII. 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. 41 CFR 9-1.5203

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 contains established retention periods for more than 900 record items of cost-type contractors and subcontractors. 41 CFR 9-7.5006-1

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, 1970, or until a date 5 years after termination of the individual's employment, whichever is later (prior to December 31, 1970, 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 31.5; (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, trans-

fer, export, and disposal of such byproduct material.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 31.5; (b) 10 CFR 30.34; (c) 10 CFR 30.51

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 34.43.

Retention period: Until disposal is specifically authorized by the Commission. (a) 10 CFR 34.24; (b) 10 CFR 34.25; (c) 10 CFR 34.26; (d) 10 CFR 34.27; (e) 10 CFR 34.33; (f) 10 CFR 34.43

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. 41 CFR 9-7.5004-10. 42 U.S.C. 2206

1.13 Licensees packaging radioactive material for transport.

To keep records of each shipment of fissile material and of a large quantity of licensed material in a single package.

Retention period: 2 years after its generation. 10 CFR 71.62

XIV. 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: 3 years after expiration or cancellation. 14 CFR 221.170, 221.171 (retention: 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 (retention: 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 (retention: 249.8, 249.13)

(d) To maintain a record of the names and addresses of all passengers transported on each pro rata charter trip operated in interstate or overseas air transportation.

Retention period: 6 months. 14 CFR 207.9, 208.4 (retention: 249.8, 249.13)

(e) To preserve a copy of each charter contract (exclusive of interline agreements with other air carriers or foreign air carriers).

Retention period: 2 years. 14 CFR 207.9, 208.4 (retention: 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 trunkline route air carrier receiving subsidy for services over part of its routes.

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 the "Statement of Supporting Information" with respect to each charter contract and proof of commissions paid to travel agents.

Retention period: 2 years. 14 CFR 295.5 (retention: 249.8)

1.4 Foreign route 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: 3 years. 14 CFR 221.170, 221.171 (retention: 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 (retention: 249.12)

(c) To preserve a copy of each contract covering on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(d) 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 off-route charter flights performed under a "Statement of Authorization."

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

1.5 [Reserved]

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: 2 years. 14 CFR 249.11, 375.43

1.6a Foreign air carriers authorized to perform charter flights only.

(a) To maintain at its principal or general office every charter contract, all passenger manifests, including those filed by charterers, and proof of commissions paid to any travel agents.

Retention period: 2 years. 14 CFR 214.6

(b) 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: 3 years. 14 CFR 221.170, 221.171 (retention: 214.6)

(c) To maintain records of all passes issued (and/or 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 (retention: 214.6)

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: 3 years after expiration or cancellation. 14 CFR 221.170, 221.171 (retention: 249.27)

(b) To keep other records as listed in the section cited.

Retention period: Various. 14 CFR 249.27

XIVa. 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

XV. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1.1 Employers subject to title VII of the Civil Rights Act.

To maintain personnel and employment and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay, and selection for training or apprenticeship.

Retention period: 6 months from date of making record or personnel action involved, whichever is later. 29 CFR 1602.14

1.2 Employers, labor organizations, and joint labor-management committees controlling apprenticeship programs.

To maintain a list in chronological order of names and addresses, sex, and minority group identification, of all applicants in the apprenticeship program.

Retention period: 2 years or period of successful applicant's apprenticeship, whichever is later. 29 CFR 1602.20, 1602.21

1.3 Local unions.

To maintain prescribed records concerning local union practices; and "referral unions" to maintain membership, referral, and applicant records by sex and minority group identification:

Retention period: 1 year except for other membership or referral records required of "referral unions" which are to be retained for a period of 6 months. 29 CFR 1602.22, 1602.28

XVI. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations.

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedure, 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.

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.

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 licensee 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 licensee 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, FM, noncommercial educational FM radio, and television broadcast stations.

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 request is 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, instructional television fixed, and community antenna relay stations.

(a) To keep adequate records of operation.

(b) To keep operating logs.

Retention period: (a) 2 years; (b) 2 years; for licensees of instructional television fixed stations, or of community antenna relay stations, not less than 2 years, with Commission reserving the right to order, in individual cases, retention of logs for a longer period of time. In cases where the licensee has notice of any claim or complaint to which information contained in the log may be pertinent, the log shall be retained 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 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981, 74.1081

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: 2 years. 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.

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 service 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).

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 a copy of agreements with vessel owners, verifying that licensee has sole right of control of the ship radio station involved and make them available for inspection upon request of an authorized representative of the Commission.

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 basis on which radio communication service is rendered and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radiotelegraph, radiotelephone, 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 statute limiting the time for the filing of suits upon such claims (47 CFR Part 42 prescribes the requirement concerning record retention by communications common carriers); (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, 85.110, 85.115

1.14 Stations licensed in the aviation services. [Amended]

All stations at fixed locations, except radionavigation land test stations (MTF), 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, 87.117

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 and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.115, 87.117

1.16 Licensees of public safety and industrial radio services stations. [Amended]

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name, address, and license information 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; excepting base stations authorized to operate at temporary locations—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 public safety and industrial radio stations, land transportation radio stations, and citizens radio stations sharing costs and facilities with other licensees.

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 89.13, 89.14, 89.179, 91.6, 91.9, 91.160, 93.3, 93.4, 93.160, 95.87, 95.103

1.18 Nonprofit corporations or associations organized to operate radio stations in the power, petroleum, forest product, motion picture, relay press, motor carrier, railroad, taxicab, and automobile emergency radio services.

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: 1 year. 47 CFR 91.160, 91.251, 91.301, 91.351, 91.401, 91.451, 93.3, 93.251, 93.351, 93.401, 93.501

1.19 Licensees of amateur radio stations.

To keep an accurate log of station operation.

Retention period: 1 year following the last date of entry: *Provided*, That, in the case of stations in the Radio Amateur Civil Emergency Service, 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.

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 15.69

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, address, and license information 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 at which operators are required—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.

To keep records as follows: for each station operated as a mobile station, the current authorization; for stations where

the licensee installs a unit of his station on the premises of a telephone answering service, the required written agreement; and for stations whose antenna structure is required to be illuminated, a record of illumination.

Retention period: 1 year. 47 CFR 95.89, 95.101, 95.103, 95.111

1.24 Disaster communications service radio stations.

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.

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, including Communications Satellite Corporation and certain contractors.

To keep accounts, records, memoranda, documents, microfilm, correspondence and related indexes prepared by or on behalf of the carrier as well as records of property or services acquired by a carrier through purchase, consolidation, merger, etc.

Retention period: Records are to be preserved in accordance with the requirements and for the periods of time designated in the codified regulations. 47 CFR 25.177, 42.9

1.28 Owners or operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

1.29 Owners or operators of ultrasonic equipment, industrial heating equipment, medical diathermy equipment, RF stabilized arc welders.

To keep a copy of certificate of compliance at the equipment site.

Retention period: For life of equipment. 47 CFR 18.80, 18.117, 18.141, 18.142, 18.183

1.30 Applicants, permittees, and licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To maintain for local public inspection copies of the following applications and reports, including exhibits, letters, and other documents related thereto, which are open for public inspection at the offices of the Commission:

(a) A copy of every application tendered to the Commission for filing with respect to which, under the provisions of the Commission rules, local public notice must be given by publication in a newspaper and/or broadcasting over the station involved.

(b) A copy of every application tendered to the Commission for filing with respect to which local public notice is not required but which involves changes in program service, requests for extension of time in which to complete construction of a new station, or requests for consent to assignment or transfer or control.

(c) A copy of every ownership or supplemental ownership report filed with the Commission.

Retention period: Applicants for construction permits for new stations shall maintain the material so long as the application is pending before the Commission or any proceeding involving the application is pending before the courts. Permittees or licensees shall maintain the material so long as an authorization to operate the station is outstanding. 47 CFR 1.526

1.31 Licensees of standard, FM, and international radio, and television broadcast stations. [Amended]

To keep a list of the chief executive officers or members of the executive committee or of the board of directors of any corporation, committee, associa-

tion, or other unincorporated group which sponsors, pays for or furnishes, in whole or in part, or provides material or services for any program, other than a program advertising commercial products or services, which is broadcast by the station.

Retention period: 2 years. 47 CFR 73.119, 73.289, 73.654, 73.789

1.32 Licensees of community antenna relay (CAR) stations.

To keep records showing cost of the service and its nonprofit, cost-sharing nature when CAR licensees supply television program material to CATV systems, other than CATV systems owned or operated by the CAR licensee.

Retention period: Not specified. 47 CFR 74.1030

1.33 Licensees of operational stations in the aviation services sharing costs and facilities with other licensees. [Amended]

To keep a copy of cooperative agreements and contracts as well as records which reflect the nonprofit, cost sharing nature of that sharing and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.117, 87.467

XVII. 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

XVIII. FEDERAL HOME LOAN BANK BOARD

1. Federal Savings and Loan System

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 545.15, 545.20

1.2 Federal savings and loan associations.

To maintain a detailed record of the transactions made at each mobile facility operated by the association.

Retention period: Not specified. 12 CFR 545.14-4

1.3 Federal savings and loan associations.

To establish and maintain such books, records, and accounting practices as will clearly and fully disclose the operations of a data processing service center in which two or more institutions participate.

Retention period: Not specified. 12 CFR 545.14-3

1.4 Federal savings and loan associations.

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

1.5 Federal savings and loan associations.

To keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has loans or which is owned by it.

Retention period: Not specified. 12 CFR 545.6-11

1.6 Federal savings and loan associations.

To keep a signed copy of the report of the appraisal of each parcel of real estate owned made at the time of its acquisition.

Retention period: Not specified. 12 CFR 545.19

1.7 Federal savings and loan associations.

To keep signed statements of intention to make regular monthly payments of a specified amount to bonus accounts.

Retention period: Not specified. 12 CFR 545.2-2

2. Federal Savings and Loan Insurance Corporation**2.1 Institutions insured by the Federal Savings and Loan Insurance Corporation.**

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

2.2 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item.

Retention period: Not specified. 12 CFR 563.17-2

2.3 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep signed appraisals of real estate loans located more than fifty miles from institution's principal office.

Retention period: Not specified. 12 CFR 563.10

2.4 Institutions insured by the Federal Savings and Loan Insurance Corporation.

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

2.5 Institutions 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

2.6 Institutions 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

2.7 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To include in its account records evidence of any relationship pursuant to which the funds in an account are invested, such as trustee, agent, custodian or executor, which may provide a basis for additional insurance, together with any details concerning the relationship and the interests of other parties in the account, unless such details are ascertainable from the records of the account-holder maintained in good faith and in the regular course of business.

In connection with a trust account, to include in its account records the name of both the settlor (grantor) and the trustee of the trust and to keep an account signature card executed by the trustee.

In connection with joint accounts, to keep an account signature card personally executed by each co-owner.

Retention period: Not specified. 12 CFR 564.2, 564.9

2.8 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Added]

In connection with the sale of real estate owned by an insured institution, to maintain records of the book value of such real estate at the time of sale and the price at which it was sold.

Retention period: Not specified. 12 CFR 563.23-1

2.9 Savings and loan holding companies. [Added]

To maintain such books and records as may be prescribed by the Federal Savings and Loan Insurance Corporation.

Retention period: Not specified. 12 CFR 584.1

XIX. FEDERAL MARITIME COMMISSION**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

1.2 Carriers and conferences of carriers.

To keep records of votes on each question voted on.

Retention period: At least 2 years. 46 CFR 537.4

1.3 Independent ocean freight forwarders. [Added]

To keep in its files a true copy, or if oral, a true and complete memorandum of every special arrangement or contract with its principal, or modification or cancellation.

Retention period: Not specified. 46 CFR 510.25

XX. 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, D.C., 20402

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, D.C., 20402

**XXa. FEDERAL RESERVE SYSTEM
[ADDED]****1.1 Persons extending credit for purpose of purchasing or carrying registered equity securities.**

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 207.3

1.2 Persons extending credit for purpose of purchasing or carrying registered equity securities.

To maintain statements obtained in conformity with requirements of Federal Reserve Form G-3 in connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any registered equity security.

Retention period: 6 years after the credit is extinguished. 12 CFR 207.1

1.3 Banks extending credit for purpose of purchasing or carrying registered stocks.

To maintain statements obtained in conformity with requirements of Federal Reserve Form U-1 in connection with any credit secured directly or indirectly, in whole or in part, by any stock.

Retention period: 6 years after the credit is extinguished. 12 CFR 221.3

**XXI. 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

1.8 Importers of flammable textile fabrics or articles of wearing apparel.

To maintain records which establish that the imported flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(c)

1.9 Persons selling flammable fabrics or using such fabrics in interlinings or other exempted unexposed parts of wearing apparel.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(a)

1.10 Persons selling flammable fabrics or using such fabrics in hats, gloves, and footwear.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(b)

1.11 Persons shipping flammable fabrics or articles of wearing apparel for processing.

To maintain records which establish that the flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(b)

**XXII. 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.

To keep records pertaining to the contracted project. (This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 10 U.S.C. 2313(c) or 41 U.S.C. 254(c). 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, 75 Stat. 424, 454, 22 U.S.C. 2393(a), as implemented by Executive Order 11223, May 12, 1965, or under the Peace Corps Act, 75 Stat.

612, 22 U.S.C. 2501 et seq., as implemented by Executive Order 11041, August 6, 1962, as amended by Executive Order 11253, October 10, 1965.)

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. (This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 50 U.S.C. 1433(b).) 50 U.S.C. 1433

XXIII. 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. [Amended]

To keep records essential to determining performance under the contract and to justifying the settlement thereof as required by the Contract Settlement Act of 1944 (41 U.S.C. 101-125) and 18 U.S.C. 443 (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. 41 CFR 101-13.3

1.2 Recipients of Federal grants or allocations for collecting and publishing historical documents. [Amended]

To keep such records as the Administrator of General Services shall prescribe, including records which fully disclose the amount and disposition of such funds, the total cost of the undertaking, the portion of the cost supplied by other

sources, and such other records as will facilitate an effective audit.

Retention period: Not specified. 44 U.S.C. 2506

1.3 Contractors and subcontractors under negotiated contracts pursuant to 41 U.S.C. 254(c). [Amended]

To maintain books, documents, papers, and records involving transactions relating to the contract.

Retention period: 3 years after final payment under the contract. 41 CFR 1-3.814-2(e) (retention: 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

1.7 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, pre-

serve 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 Government 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 and subcontractors under contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431-1435).

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: 3 years after final payment. 41 CFR 1-17.206(e) (retention: 1-3.814-2(e), 1-7.101-10)

1.11 Contractors and subcontractors under 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. 833), as amended.

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: Not specified. Public Law 81-921 (64 Stat. 1257)

1.12 Participants in the lead and zinc stabilization program pursuant to act of October 3, 1961 (75 Stat. 766; 30 U.S.C. 681-689).

To keep any pertinent books, documents, papers, and records of any participant involving transactions related to the program established under the regulations of 41 CFR 101-15 and authorized representatives of the United States Government shall have access to and the right to examine such records.

Retention period: 3 years after termination of the program. 41 CFR 101-15.109

1.13 Contractors and subcontractors required to submit cost and pricing data in conjunction with certain negotiated contracts or contract modifications involving an amount in excess of \$100,000.

To maintain books, records, documents, and other supporting data which will permit adequate evaluation by the contracting officer or his authorized representatives of the cost or pricing data submitted, along with the computations used therein, which were available to the contractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

Retention period: Until the expiration of 3 years from the date of final payment under the contract. 41 CFR 1-3.814-2 (a) and (b)

1.14 Contractors and subcontractors having certain cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts in excess of \$100,000. [Amended]

To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract.

Retention period: (1) Until the expiration of 3 years from the date of final payment under the contract; (2) for such longer period, if any, as is required by applicable statute; (3) if contract is completely or partially terminated, the records relating to the work terminated shall be preserved for 3 years from the date of any resulting settlement; or (4) records which relate to appeals under the "Disputes" clause of the contract or litigation or the settlement of claims arising out of performance of the contract, shall be retained until disposition has been made of such appeals, litigation, or claims. 41 CFR 1-3.814-2(c)

XXIV. INTERSTATE COMMERCE COMMISSION

1.1 Refrigerator car lines.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.2 Railroad companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.3 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

1.4 Sleeping car companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1222

1.5 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

1.6 Pipeline companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1224

1.7 Persons furnishing cars to railroads.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1225

1.8 Rate-making organizations.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1253

1.9 Motor carriers and brokers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

1.10 Water carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1227

1.11 Freight forwarders.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1228

XXV. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION [Revised]

1.1 Contractors with negotiated fixed-price supply contracts and purchase orders or fixed-price research and development contracts, in excess of \$2,500.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the prime contract. 41 CFR 18-7.104-15; 18-7.302-6

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 or fixed-price prime research and development contracts, in excess of \$2,500.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 41 CFR 18-7.104-15; 18-7.302-6

1.3 Contractors with cost reimbursement type contract, including facilities contracts.

To maintain books, records, documents and other evidence pertaining to the expenses for which reimbursement is claimed.

Retention period: 3 years after date of final payment or until settlement of litigation, whichever is longer. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.4 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime contracts, including facilities contracts.

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.

Retention period: 3 years after date of final payment or until settlement of litigation, whichever is longer. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.5 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 contracts, including facilities contracts.

To maintain books, documents, papers and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.6 Contractors with fixed-price contracts in excess of \$2,500 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.

To maintain 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. 41 CFR 18-8.701

1.7 Contractors with fixed-price construction contracts amounting to more than \$10,000.

To maintain 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. 41 CFR 18-8.703

1.8 Subcontractors with fixed-price subcontracts.

To maintain 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. 41 CFR 18-706

1.9 Contractors with construction and facilities contracts in excess of \$2,000 (for work within the United States).

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. 41 CFR 18-12.403-1(d); 18-7.705-5

1.10 Industrial contractors having Government furnished property.

To maintain adequate records of all Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Contractors" (Appendix B, Subpart 3, NASA Procurement Regulation).
Retention period: Not specified. 41 CFR 18-13.702; 18-13.703

1.11 Contractors furnishing special tooling under fixed-price contracts.

To maintain property control records on all special tooling which they furnish.
Retention period: Not specified. 41 CFR 18-13.704

1.12 Nonprofit contractors having Government furnished property under research and development contracts.

To maintain records of Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Nonprofit Research and Development Contractors" (Appendix C, Subpart 3, NASA Procurement Regulation).
Retention period: Not specified. 41 CFR 18-13.706, 18-13.707

1.13 All contractors and subcontractors other than those having firm fixed-price contracts.

To maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract or subcontract.
Retention period: 3 years after date of final payment or until final settlement of litigation, whichever is longer. 41 CFR 18-7.104-42; 18-7.203-29; 18-7.303-29; 18-7.350-18; 18-7.403-30; 18-7.451-30; 18-7.460-20; 18-7.702-48; 18-7.703-41; 18-7.704-33

1.14 Contractors with facilities contracts providing for the use of facilities.

To maintain adequate property control procedures and records and a system of identification of the facilities.
Retention period: Not specified. 41 CFR 18-7.702-17; 18-7.704-11

1.15 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.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Small Business Subcontracting Program", and (c) such other information required by the clause.
Retention period: Not specified. 41 CFR 18-1.707-3(b)

1.16 Contractors with contracts containing an inspection clause.

To 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 18-7.103-5; 18-7.203-5; 18-7.302-4; 18-7.402-5; 18-7.451-5; 18-7.702-6; 18-7.703-6; 18-7.704-8

1.17 Contractors with contracts containing the "Data Requirements" clause.

To maintain 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(e)

1.18 Contractors with contracts providing for progress payments.

To maintain control of progress payments and make available to the Government the books, records, and accounts thereof.
Retention period: During performance of the contract. 41 CFR 18-7.104-35

1.19 Contractors and subcontractors required to furnish cost and pricing data certificates.

To maintain books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.
Retention period: 3 years after final payment. 41 CFR 18-3.807-4

1.20 Contractors with fixed-price type letter contracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to the 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. 41 CFR 18-8.701

1.21 Contractors subject to the Work Hours Act of 1962.

To keep payroll records containing name, address, classification, rate of pay, hours worked, etc., for each employee.
Retention period: 3 years. 41 CFR 18-12.303-1, 18-12.403-1

XXVI. NATIONAL SCIENCE FOUNDATION

1.1 Persons or organizations engaging in weather modification activities. [Amended]

Requested to maintain records, including logs, of ground and airborne or mobile weather modification activities.
Retention period: Not less than 5 years after date of entry. 45 CFR 635.5

XXVII. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels, at sea, destined for ports of the Canal Zone.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.
Retention period: Discard at expiration of voyage. 35 CFR 61.151, 61.153

1.2 Masters of vessels transferring hazardous liquid cargoes at a port of the Canal Zone.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."
Retention period: Discard at expiration of voyage. 35 CFR 113.112

1.3 Vessels transiting or partially transiting Panama Canal.

To keep a full set of plans and a copy of the measurements made at the time of issue of the national tonnage certificate of the vessel, as well as the national tonnage certificate.
Retention period: Until vessel is decommissioned. 35 CFR 133.32

XXVIII. 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 5 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

XXIX. 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 and records of the computation of aggregate indebtedness and net capital; 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 period: 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, 240.15b10-6

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 and subsidiary service companies in registered public utility holding company systems.

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 pertinent records such as minute books, contracts, billing computations, reports, memoranda, correspondence, other papers, and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: On August 12, 1966, the Commission adopted its "Regulation To Govern the Preservation and Destruction of Records of Mutual and Subsidiary Service Companies," which prescribes specific retention periods and microphotographing privileges with respect to all such books of account and other records of mutual and subsidiary service companies. 17 CFR 256.01-8 and Part 256a

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 Companies under the Public Utility Holding Company Act of 1935," which prescribes specific retention periods and microfilming privileges with respect to all such books of account and other records of registered holding companies. 17 CFR 257.0-3 and Appendix to Part 257

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 with or 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 division 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 Sec-

tion 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 240.17a-3, 240.17a-4 (digested in par. 1.1 of this chapter). 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 275.204-2 (digested in par. 1.10 of this chapter). 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 periods 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).

To make, keep, and retain the books and records specified in section cited.

Retention period: Various. 17 CFR 275.204-2

- 1.11 Nonmember brokers and dealers.

To maintain current records for each customer as specified in the section cited.

Retention period: 6 years. 17 CFR 240.15b10-6

XXX. SMALL BUSINESS ADMINISTRATION

- 1.1 Corporations licensed under the Small Business Investment Act. [Amended]

To maintain current financial records; minutes of meetings of stockholders, directors, executive officials, and other officers; records of time spent and charges made for management consulting services performed; and files of other documents pertinent to all transactions.

Retention period: 6 years. 13 CFR 107.1102

XXXI. VETERANS ADMINISTRATION

- 1.1 State owned or controlled hospitals and institutions distributing tax-free tobacco products to members or former members of the Armed Forces of the United States.

To keep copies of orders and other pertinent documents involved in the purchase, storage, and distribution of tax-free tobacco products to eligible patients.

Retention period: At least 3 years and available to the Veterans Administration and the Internal Revenue Service for inspection purposes. 41 CFR 8-11.250-2

- 1.2 Medical schools, hospitals, and research centers receiving grants under the Veterans Hospitalization and Medical Services Modernization Amendments of 1966. [Amended]

To keep records of amount and disposition of grant, total cost of project and amount of cost of project received from other sources.

Retention period: Not specified. 38 CFR 17.266

- 1.3-1.6 [Reserved]

- 1.7 Educational institutions furnishing education or special restorative training under chapter 34 or 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 veterans and eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the veteran's and 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 21.4209

- 1.8 Educational institutions having veterans and eligible persons under chapter 34 or 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 21.4209

- 1.9 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1776, chapter 36, 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 a veteran or 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 21.4209

- 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

- 1.12 Institutions and training establishments participating in the vocational rehabilitation and education program.

To maintain contracts, agreements, or arrangements providing for number and frequency of reports, adequate financial records to support payment for each trainee, and attendance and progress records.

Retention period: 3 years following the date of the last payment or a longer period if requested by the General Accounting Office or the Veterans Administration. 41 CFR 8-95.209

- 1.13 Training establishments furnishing training-on-the-job courses (other than a program of apprenticeship) approved under section 1777, chapter 36, title 38, U.S. Code.

To keep in addition to records and accounts described in item 1.7 above appropriate records pertaining to such training including, but not limited to, (a) payroll records, (b) 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 21.4209

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.

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