

Summary Audit Report re:

Chicago Regional Office Cost Center—200
(Memo dated February 4, 1987)

Memorandum re:

Status of Auditee Corrective Actions

Discussion Agenda:

Memorandum and Resolution re: Extension to December 31, 1987, of the period of time which the Corporation may use under its internal policy statement for the consideration, adoption, and publication of a final amendment to Part 332 of the Corporation's rules and regulations, entitled "Powers Inconsistent with Purposes of Federal Deposit Insurance Law", which amendment would, among other things, prohibit insured banks, subject to certain exceptions, from directly engaging in real estate development and insurance underwriting activities and establish certain restrictions on the indirect conduct of such activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: February 24, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-4270 Filed 2-25-87; 12:59 pm]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, March 3, 1987, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof.

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance and for consent to exercise limited trust powers:

PW Trust Company, a proposed new bank located at 700 Plaza Drive, Secaucus, New Jersey.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: February 24, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-4271 Filed 2-25-87; 12:59 pm]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, March 4, 1987.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Treatment of interest rate and exchange rate contracts in the risk asset ratio under the Board's capital adequacy guidelines.

2. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: February 25, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-4248 Filed 2-25-87; 12:00 pm]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 11:00 a.m., Wednesday, March 4, 1987, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any item carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 25, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-4249 Filed 2-25-87; 12:00 pm]

BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION

Provisions for the Delivery of Legal Services Committee Meeting

TIME AND DATE: The meeting will commence at 9:00 a.m., Saturday, March 7, 1987, and continue until all official business is completed.

PLACE: The Westin Canal Place, Terrace Room, 100 Rue Iberville, New Orleans, Louisiana 70130.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda
2. Consideration of National/State Support and Clearinghouse Funding Issues
3. Public Comment

CONTACT PERSON FOR MORE

INFORMATION: Timothy H. Baker, Executive Office (202 863-1839).

Date issued: February 25, 1987.

Timothy H. Baker,

Secretary.

[FR Doc. 87-4315 Filed 2-26-87; 3:59 pm]

BILLING CODE 6820-35-M

**PACIFIC NORTHWEST ELECTRIC POWER
AND CONSERVATION PLANNING COUNCIL**

Notice of Closed Meeting

DATE: March 5-6, 1987.

PLACE: The Quay, Vancouver,
Washington.

SUMMARY: The Northwest Power
Planning Council will hold a closed
meeting on March 5-6, 1987, to discuss
internal personnel matters.

FOR FURTHER INFORMATION CONTACT:

Ms. Bess Atkins. (503) 222-5181.

Edward Sheets,

Executive Director.

[FR Doc. 87-4243 Filed 2-25-87; 11:34 am]

BILLING CODE 0000-00-M

UNITED STATES INSTITUTE OF PEACE

TIMES AND DATES: 9:00 a.m.-5:00 p.m.,
Thursday, March 5, 1987, and 9:00 a.m.-
5:00 p.m. Friday, March 6, 1987.

PLACE: National Trust for Historic
Preservation, 1785 Massachusetts
Avenue, NW., Washington, DC 20036.

STATUS: Open (portions may be closed
pursuant to subsection (c) of section
552(b) of title 5, United States Code, as
provided in subsection 1706(h)(3) of the
United States Institute of Peace Act,
Pub. L. 98-525).

AGENDA (TENTATIVE):

Meeting of the Board of Directors
convened. President's Report. Committee
Reports. Consideration of Grant Applications.

On Thursday afternoon from 3:00-5:00 p.m.,
the Information Services Committee will
continue its series of forums on developing an
intellectual map of the field of international
peace and conflict management. Guests will
include Professors Samuel Huntington and
Gregory Treverton, of the Kennedy School of
Government, Harvard University.

CONTACT: Mrs. Olympia Diniak.
Telephone: (202) 789-5700.

Dated: February 24, 1987.

Robert F. Turner,

President, United States Institute of Peace.

[FR Doc. 87-4286 Filed 2-25-87; 1:43 pm]

BILLING CODE 3155-01-M

Corrections

Federal Register

Vol. 52, No. 39

Friday, February 27, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber, Silk Blends and other Vegetable Fiber Textile Products From Taiwan Effective on January 1, 1987

Correction

In notice document 87-149 beginning on page 447 in the issue of Tuesday, January 6, 1987, make the following corrections in the table appearing on page 448:

1. In the first column, under "12-month restraint limit", for "Category 670-H⁸", in the first line "38,989,790" should read "39,989,790".

2. In the first column, under "12-month restraint limit", for "Category 636", "325,724" should read "325,624".

3. In the second column, under "12-month restraint limit", for "Category 659-B¹²", "1,559,559" should read "1,559,599".

BILLING CODE 1505-01-D

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Polish People's Republic Effective on January 1, 1987

Correction

In notice document 87-466 beginning on page 854 in the issue of Friday, January 9, 1987, make the following correction:

On page 854, in the second column, in the table, under "Category", the seventh line should read "645-659".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 413

Reasonable Cost Regulations

CFR Correction

In Title 42 of the Code of Federal Regulations, Parts 400-429, revised as of October 1, 1986, in § 413.40(c)(1) appearing on page 413 certain portions of the regulatory text are incorrect. (See 51 FR 37398, Oct. 22, 1986, item no. 4.)

§ 413.40 [Corrected]

1. In § 413.40(c)(1)(ii), the first two lines should read:

"(ii) For cost reporting periods beginning on or after October 1, 1982 and before October 1, 1983, these".

2. In § 413.40(c)(1)(iii), the first three lines should read:

"(iii) For cost reporting periods beginning on or after October 1, 1983, these operat-".

BILLING CODE 1505-01-D

The first part of the paper is devoted to a general discussion of the problem of the origin of life. It is shown that the problem is one of the most important and most difficult in the history of science. It is a problem which has attracted the attention of many of the greatest minds of the world, and which has led to the development of many of the most important branches of science.

In the second part of the paper, the author discusses the various theories which have been advanced to explain the origin of life. These theories range from the most ancient, which regard life as the result of spontaneous generation, to the most modern, which regard life as the result of the evolution of matter. The author shows that each of these theories has its own merits and its own difficulties, and that the problem of the origin of life is still one of the most important and most difficult in the history of science.

In the third part of the paper, the author discusses the various experiments which have been conducted to test the various theories of the origin of life. These experiments range from the most ancient, which were conducted by the ancients, to the most modern, which were conducted by the moderns. The author shows that each of these experiments has its own merits and its own difficulties, and that the problem of the origin of life is still one of the most important and most difficult in the history of science.

In the fourth part of the paper, the author discusses the various conclusions which have been reached by the various scientists who have studied the problem of the origin of life. These conclusions range from the most ancient, which regard life as the result of spontaneous generation, to the most modern, which regard life as the result of the evolution of matter. The author shows that each of these conclusions has its own merits and its own difficulties, and that the problem of the origin of life is still one of the most important and most difficult in the history of science.

In the fifth part of the paper, the author discusses the various methods which have been used to study the problem of the origin of life. These methods range from the most ancient, which were used by the ancients, to the most modern, which were used by the moderns. The author shows that each of these methods has its own merits and its own difficulties, and that the problem of the origin of life is still one of the most important and most difficult in the history of science.

In the sixth part of the paper, the author discusses the various results which have been obtained by the various scientists who have studied the problem of the origin of life. These results range from the most ancient, which were obtained by the ancients, to the most modern, which were obtained by the moderns. The author shows that each of these results has its own merits and its own difficulties, and that the problem of the origin of life is still one of the most important and most difficult in the history of science.

In the seventh part of the paper, the author discusses the various conclusions which have been reached by the various scientists who have studied the problem of the origin of life. These conclusions range from the most ancient, which regard life as the result of spontaneous generation, to the most modern, which regard life as the result of the evolution of matter. The author shows that each of these conclusions has its own merits and its own difficulties, and that the problem of the origin of life is still one of the most important and most difficult in the history of science.

U.S. Department of Justice Federal Register

Friday
February 27, 1987

Part II

Supplement to the Guide to Record Retention Requirements in the CFR

Revised as of January 1, 1987

SUPPLEMENT TO THE GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR

This Supplement, published by the Office of the Federal Register, revises as of January 1, 1987, the edition of the Guide published in 1986.

The Guide to Record Retention Requirements in the CFR is a guide in digest form to the provisions of Federal regulations relating to the keeping of records by the public. It provides information on (1) what records must be kept (2) who must keep them, (3) how long they must be kept, and (4) where the full provisions can be found in the Code of Federal Regulations.

The Guide published in 1986 was revised as of January 1, 1986. This Supplement updates the Guide as of January 1, 1987. The publications should be used together.

The Supplement is derived from the regulations published by the various agencies in the *Federal Register* from January 1 through December 31, 1986. It was prepared under the direction of Martha L. Girard. Gladys Queen Ramey was chief editor. Inquiries, telephone 202-523-4534. Suggestions concerning this publication may be sent to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408.

Coverage

In preparing both the Guide and the

Supplement it was necessary to establish boundaries in order to stay within the intended purpose. The records covered are those that address categories of activities conducted by individuals, businesses, and organizations for which retention requirements are expressly stated in Federal regulations.

In many regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies. Such implied requirements have not been included in the Guide and the Supplement.

The following types of requirements also have been excluded:

- (1) Requirements involving the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.
- (2) Requirements involving the display of posters, notices, or other signs in places of business.
- (3) Requirements contained in individual Government contracts, unless the contract provisions are incorporated in the Code of Federal Regulations.

Arrangement

The arrangement and numbering system in the Supplement follows the

numbering system established for the Guide. The numbering in the Guide corresponds to the numbering in the CFR.

For example, a record retention requirement relating to agriculture will be found in the Guide under Title 7, Agriculture, and, further, under the agency which administers and enforces the regulation in which the record retention requirement appears. The number to the left of the item is the part and section number in Title 7 of the CFR in which the text of the regulation is printed. Because not all sections of the CFR contain record retention requirements, the numbering in the Guide has gaps in the numerical sequence.

Citation: Citations to the Guide and to the CFR are the same. An example is 7 CFR 17.17. The record retention requirement involved can be checked in digest form in the Guide and in full text in the CFR.

Notice

The Guide to Record Retention Requirements and this Supplement do not have the effect of law, regulation, or ruling. They comprise a guide to legal requirements that appear to be in effect as of January 1, 1987.

LIST OF AGENCIES AND CFR TITLES APPEARING IN THIS SUPPLEMENT ¹

Agency	CFR Title	Agency	CFR Title	Agency	CFR Title
Agriculture Department	7, 9, 36	Federal Home Loan Bank Board	12	National Archives and Records Administration	36
Commerce Department	15, 50	General Services Administration	48	Nuclear Regulatory Commission	10
Commodity Futures Trading Commission	17	Health and Human Services Department	21, 42, 45	Postal Service	39
Defense Department	48	Housing and Urban Development Department	24	Small Business Administration	13
Education Department	34	Interior Department	30	Transportation Department	49
Energy Department	18	Labor Department	20, 29	Treasury Department	19, 26, 27, 31
Environmental Protection Agency	40	National Aeronautics and Space Administration	14, 48		
Farm Credit Administration	12				
Federal Communications Commission	47				

¹ Agencies appear in this Supplement in CFR title numerical order.

AGRICULTURE DEPARTMENT**Office of the Secretary****7 CFR****17.6 Importers and suppliers involved in sales of agricultural commodities. [Revised]**

To maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

Retention period: Until expiration of 3 years after final payment under the purchase authorization.

17.17 Importers and suppliers involved in sales of agricultural commodities. [Redesignated as 17.22]

See 17.6.

Food and Nutrition Service**7 CFR****210.8 Cooperating State agencies, school food authorities, and food service management companies participating in the National School Lunch Program. [Redesignated as 210.9 and revised]**

To maintain (a) records and accounts pertaining to its school food service; (b) files of currently approved and denied, free and reduced price applications; and (c) individual applications for free and reduced price lunches submitted by families.

Retention period: (a) 3 years after date of final Claim for Reimbursement for the fiscal year to which they pertain, or beyond 3 years until resolution of any audit questions; (b) not specified; and (c) 3 years after end of the fiscal year to which they pertain or beyond 3 years until resolution of any audit questions.

210.10 School food authorities participating in the National School Lunch Program. [Added]

To maintain production and participation records to demonstrate positive action toward providing one reimbursable lunch per child per day.

Retention period: 3 years after submission of final Claim for Reimbursement for the fiscal year, or beyond 3 years period until resolution of any audit issues.

210.14 School food authorities participating in the National School Lunch Program. [Revised]

To maintain records of revenues and expenditures to demonstrate that the food service is being operated on a nonprofit basis including net cash resources, or the information necessary for the State to compute net cash resources through a review or audit.

Retention period: 3 years after submission of the final Claim for Reimbursement for the fiscal year or

beyond 3 years until resolution of any audit issues.

210.15 School food authorities participating in the National School Lunch Program. [Added]

See 210.10 and 210.14.

210.16 Food service management companies participating in the National School Lunch Program. [Revised]

To maintain such records as the school food authorities will need to support Claims for Reimbursements.

Retention period: 3 years after date of submission of the final Financial Status for fiscal year or until resolution of any audit issues.

210.18 State agencies participating in the National School Lunch Program. [Added]

To maintain records which document the details of all Assessment, Improvement and Monitoring System (AIMS) review or audits and which demonstrate the degree of compliance with AIMS performance standards.

Retention period: 3 years after the date of the exit conference or after the year in which problems have been resolved, whichever is later.

210.19 State agencies participating in the National School Lunch Program. [Added]

To maintain all records pertaining to fiscal actions against school food authorities for Claims for Reimbursement that are not properly payable under 7 CFR Part 210.

Retention period: 3 years.

210.20 State agencies participating in the National School Lunch Program. [Added]

To maintain records to demonstrate compliance with Program requirements.

Retention period: 3 years after date of submission of final Financial Status Report for fiscal year or beyond 3 years until resolution of any audit issues.

210.23 State agencies and food authorities participating in the National School Lunch Program. [Added]

To keep necessary records as specified in 7 CFR 210.18 through 210.20.

Retention period: State agencies records—3 years after date of submission of final Financial Status Report for the fiscal year. School food authorities records—3 years after submission of the final Claim for Reimbursement for the fiscal year. In either case, records shall be retained until resolution of any audit issues.

210.27 State educational agencies participating in the National School Lunch Program. [Added]

To maintain records concerning the survey of school food authorities including, at a minimum, a description of

survey methods and a copy of the format used to obtain food preferences; the name and address of each school food authority included in the survey; and a record of the data obtained from each school food authority.

Retention period: 3 years.

225.10 State agencies participating in the Summer Food Service Program. [Amended]

(a) To maintain complete and accurate current accounting records of its Program operations which will adequately identify funds authorizations, obligations, unobligated balances, assets, liabilities, income, claims against sponsors and efforts to recover overpayments, and expenditures for administrative and operating costs.

(b) To maintain record for each review or audit conducted.

(c) To maintain complete record of each review or appeal.

Retention period: (a) 3 years after date of the submission of the final Program Operations and Financial Status Report or until resolution of any audit or appeal questions; (b) 3 years.

250.6 Distributing, subdistributing, and recipient agencies to which food commodities are donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in charitable institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, in nutrition programs for the elderly, and in assistance of other needy persons. [Amended]

(a) To maintain records relating to receipt, disposal, and inventory of donated foods including records with respect to the receipt, and disbursement of funds arising from, or federally disbursed for, operation of the distributing program; (b) also, to maintain records with respect to (1) the receipt and disbursement of cash received in lieu of donated foods for nutrition programs for elderly, and (2) refusal of commodities by school food authorities.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain.

251.9 State agencies and emergency feeding organizations. [Revised]

(a) See 250.6.

(b) Each distribution site shall keep accurate and complete records showing the date and method used to determine the number of eligible households served at the site.

Retention period: 3 years from the close of the Federal fiscal year to which they pertain.

252.4 Food processors participating in the National Commodity Processing Program. [Added]

To maintain complete and accurate records of the receipt, disposal and inventory of donated food including end products processed from donated food. To also keep production records, formulae, recipes, daily or batch production records, loadout sheets, bills of lading, and other processing and shipping records to substantiate the use of the donated food and the subsequent redelivery to an eligible recipient agency.

Retention period: 3 years from the close of the Federal fiscal year to which they pertain.

252.5 Recipient agencies participating in the National Commodity Processing Program. [Added]

To maintain accurate and complete records with respect to the receipt, disposal, and inventory of donated food, including products processed from donated food, and with respect to any foods which arise from the operation of the distribution program.

Retention period: Not specified.

Federal Crop Insurance Corporation**7 CFR****417.7 Insured under FCIC (Sugarcane). [Revised]**

To keep records of the harvesting, storage, shipment, sale or other disposition of all sugarcane produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

430.7 Insured under FCIC (Sugar beet). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all sugar beets produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

436.7 Insured under FCIC (Tobacco-guaranteed production plan). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all tobacco produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

440.7 Insured under FCIC (Texas citrus tree). [Revised]

To keep records of the trees destroyed and damaged on each unit including separate records showing the same information for any uninsured acreage.

Retention period: 2 years after the time of loss.

441.7 Insured under FCIC (Table grape). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all grapes produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

443.7 Insured under FCIC (Hybrid seed). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all the crop production on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

444.7 Insured under FCIC (Fresh tomato). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all tomatoes produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

445.7 Insured under FCIC (Pepper). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all peppers produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

447.7 Insured under FCIC (Popcorn). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all popcorn produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

449.7 Insured under FCIC (Fresh market sweet corn). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all sweet corn produced on each unit including separate records

showing the same information for production from any uninsured acreage. Retention period: 2 years from the time of loss.

451.7 Insured under FCIC (Canning and processing peach). [Revised]

To keep records of the harvesting, storage, shipment, sale or other disposition of all peaches produced on each unit including separate records showing the same information for production from any uninsured acreage.

Retention period: 2 years from the time of loss.

Agricultural Stabilization and Conservation Service**7 CFR****729.426 Persons engaged in more than one business of shelling or crushing peanuts. [Added]**

See 729.198.

729.429 Persons engaged in more than one business of shelling or crushing peanuts. [Added]

See 729.198.

Federal Grain Inspection Service**7 CFR****800.25 Grain elevator owners and merchandisers. [Revised]**

To keep such accounts, records, and memoranda that fully and correctly disclosed all transactions concerning the lots of grain for which the elevator or merchandiser received official services.

Retention period: 3 years from date of the official services; 3 year-period may be extended if notified by the Administrator that specific records should be retained for a longer period.

Agricultural Marketing Service**7 CFR****907.173 Orange handlers. [Added]**

See 907.73.

908.73 Orange handlers. [Added]

See 907.73.

908.173 Orange handlers. [Added]

See 907.73.

930.63 Cherry handlers. [Removed]**991.61 Hops handlers. [Revised]**

To maintain such records of all hops handled as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year.

1230.58 Contracting parties under the pork promotion, research and consumer information order. [Added]

To keep accurate records of all relevant transactions.

Retention period: At least 2 years beyond the fiscal period of their applicability.

1230.81 Persons subject to the pork promotion, research, and consumer information order. [Added]

To maintain such books and records as are necessary to carry out the provisions of the regulations including such records as are necessary to verify any required reports.

Retention period: At least 2 years beyond the fiscal period of their applicability.

1280.161 Wheat and wheat food manufacturers. [Removed]

1280.330 Wheat and wheat food manufacturers. [Removed]

Commodity Credit Corporation

7 CFR

1425.17 Cooperative marketing associations participating in the price support program. [Revised; new amendment contained no record retention requirements]

1425.18 Cooperative marketing associations participating in the price support program. [Revised; new amendment contained no record retention requirements]

1425.20 Approved cooperative marketing associations participating in the price support program. [Added]

To maintain records showing quantity of commodity received from members and nonmembers, the date received, the eligibility status for price support of each quantity, the quality factors specified in the applicable regulations for the commodity (including class, grade, and quality, where applicable), and the quantity to which each applicable factor applies.

Retention period: 5 years.

1425.21 Approved cooperative marketing associations participating in the price support program. [Added]

See 1425.20.

1430.344 Responsible persons or producers of milk produced in the US that is marketed for commercial use beginning Apr. 1, 1986 and ending Sept. 30, 1987. [Added]

To maintain such records pertaining to operations that are necessary to determine compliance with regulations.

Retention period: 3 years or for such longer periods as Dairy Division or CCC may require.

1430.468 Participating producers or knowing purchasers of dairy cattle sold pursuant to a DIP contract. [Added]

To maintain all records which CCC may require to enforce provisions of the contract, as well as any records necessary to establish compliance with the terms and conditions of the contract.

Retention period: 3 years from date of the nonproduction period under the contract.

1435.12 Sugar processors. [Removed]

1435.24 Sugar processors. [Removed]

1435.33 Sugar producers. [Removed]

1435.43 Sugar processors. [Removed]

1435.85 Sugar processors. [Revised]

To maintain books, records, accounts, and other written data as are deemed necessary by the examining agency to verify compliance with price support purchase program requirements.

Retention period: Not less than 3 years.

1435.106 Sugar processors. [Revised]

See 1435.85.

1435.121 Sugar processors. [Revised]

See 1435.85.

1435.205 Sugar producers. [Added]

To maintain the books and records pertaining to the benefit payments and the applicable contracts with the processors.

Retention period: 3 years following the producer's demand for payment.

1446.83 Peanut handlers. [Added]

To maintain marketing, sales, and disposal records.

Retention period: 3 years following end of the marketing year in which peanuts were produced.

1446.84 Peanut handlers. [Added]

To keep records on inspected and noninspected peanuts; peanuts shelled or milled for a producer; peanuts from which LSKs or pods were removed for a producer; and green peanuts purchased from producer.

Retention period: 3 years following end of marketing year in which peanuts were produced.

1446.86 Peanut handlers. [Added]

See 1446.83 and 1446.84.

1446.93 Peanut handlers. [Added]

To keep records for each lot of quota and/or additional peanuts commingled in storage.

Retention period: 3 years following the end of the marketing year in which the peanuts were produced. Records relating to contract additional peanuts

for which penalties or liquidated damages have been assessed shall be retained for 5 years following the date the assessment was made or until the conclusion of the assessment action, whichever is later. Records shall be kept for such longer periods of time as may be requested in writing by the Executive Vice President of CCC.

1446.114 Peanut handlers. [Added]

To keep such records on the disposition for all contract additional peanuts.

Retention period: 3 years following the end of the marketing year in which the peanuts were produced. Records relating to contract additional peanuts for which penalties or liquidated damages have been assessed shall be retained for 5 years following the date the assessment was made or until the conclusion of the assessment action, whichever is later. Records shall be kept for such longer periods of time as may be requested in writing by the Executive Vice President of CCC.

1446.146 Peanut area marketing associates. [Added]

To maintain a debt record for all handlers indicating the amounts due from each handler.

Retention period: 3 years following end of the marketing year in which peanuts were produced.

Farmers Home Administration

7 CFR

Part 1944, Exhibit A Grantees conducting housing preservation programs benefiting very low- and low-income rural residents. [Added]

To maintain financial records, supporting documents, statistical records, and all other records pertinent to the grant.

Retention period: 3 years after submission of the final Project Performance report or until all litigations, claims, audit or investigation findings involving records have been resolved.

1948.98 Rural development grantees—growth management and housing planning for approved designated energy impacted areas. [Revised]

To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant.

Retention period: 3 years after grant closing or until audit findings have been resolved.

1980.646 Grantees under the Nonprofit Corporations Loan and Grant Program. [Added]

To maintain records to substantiate certification stating that all technical services have been completed.

Retention period: 3 years after grant closing or beyond 3 years until resolution of any audit questions.

1980.647 Grantees under the Nonprofit Corporations Loan and Grant Program. [Added]

To maintain financial records in accordance with standards prescribed in OMB Circular 102, Attachments P, G, and C, or OMB Circular A-110, Attachments F and C, as appropriate, in accordance with terms and conditions of the grant.

Retention period: 3 years after grant closing or beyond 3 years until resolution of any audit questions.

Office of Transportation**7 CFR****3300.19 Agreement on the International Carriage Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP) testing stations. [Added]**

To maintain records of basic data developed in each testing of equipment.

Retention period: 3 years.

3300.43 Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage (ATP) testing laboratories. [Added]

To maintain records of basic data in each testing of mechanical refrigerating appliances.

Retention period: 3 years.

AGRICULTURE DEPARTMENT**Food Safety and Inspection Service****9 CFR****318.302 Producers of canned meat and poultry products. [Added]**

To maintain complete records concerning all aspects of the development or determination of a process schedule, including any associated incubation tests and letters or other written communications from a processing authority recommending all thermal process schedules.

Retention period: Not specified.

318.305 Producers of canned meat and poultry products. [Added]

To maintain records on equipment and procedures for heat processing systems.

Retention period: Not specified.

318.307 Producers of canned meat and poultry products. [Added]

To maintain processing, production, container closure and distribution of product records.

Retention period: Not less than 1 year at the establishment and for an additional 2 years at the establishment or other location from which records can be made available to Program employees within 3 working days.

318.308 Producers of canned meat and poultry products. [Added]

To maintain full records regarding the handling of each deviation in processing.

Retention period: See 318.307.

320.1 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food. [Amended]

To keep records as specified in section cited or by the Administrator.

Retention period: 2 years after end of year in which the transaction occurred, or longer if directed by the Administrator.

320.3 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food. [Amended]

See 320.1.

381.175 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products. [Amended]

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years.

381.177 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce or holding such products. [Amended]

See 381.175.

381.305 Producers of canned meat and poultry products. [Added]

See 318.305.

381.306 Producers of canned meat and poultry products. [Added]

To maintain processing and production records which contain the date of production; product name and style; container code; container size and type; and the process schedule, including the minimum initial temperature.

Retention period: For no less than 1 year at the establishment, and for an additional 2 years at the establishment or other location from which the records can be made available to Program employees within 3 working days.

381.307 Producers of canned meat and poultry products. [Added]

To maintain process, container closure, and distribution of products records.

Retention period: For no less than 1 year at the establishment, and for an additional 2 years at the establishment or other location from which the records can be made available to Program employees within 3 working days.

381.308 Producers of canned meat and poultry products. [Added]

To maintain full records regarding the handling of each process deviation. Such records shall include, at a minimum, the appropriate processing and production records, a full description of the corrective actions taken, the evaluation procedures and results, and the disposition of the affected product.

Retention period: See 381.307.

381.309 Producers of canned meat and poultry products. [Added]

To maintain records on incubation checks.

Retention period: See 381.307.

NUCLEAR REGULATORY COMMISSION**10 CFR****25.23 Licensees or requesting organizations employing individual approved for personnel security access authorization. [Revised]**

To maintain records of grant of access authorization notification.

Retention period: One year after the access authorization has been terminated by the NRC Division of Security.

34.11 Licensees utilizing sealed sources of byproduct material for radiography. [Amended]

To maintain (a) records of performance of internal inspections at intervals not to exceed three months; (b) records of the results of dates of calibration for each radiation survey instrument possessed by the licensee; (c) records of the results of leak tests of sealed sources; (d) records of quarterly physical inventories of all sealed sources received and possessed under the license; (e) current utilization logs showing for each sealed source a description of the radiographer exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (f) records of inspection and maintenance of radiographic exposure devices, storage containers and source changers at intervals not to exceed three months prior to first use

thereafter; (g) records of alarm system tested at intervals not to exceed three months prior to first use thereafter; (h) records radiographers and radiographers assistants of training, including copies of written tests, dates of oral tests and field examinations; (i) records of daily pocket dosimeter exposure readings and reports of periodic check (not to exceed one year) of film badge of thermoluminescence dosimeter; (j) records of physical radiation storage surveys.

Retention period: (a) For two years; (b) for two years after the date of each calibration; (c) for six months after performance of the required leak test or until transfer or disposal of the sealed source; (d) for two years after the date of each inventory; (e) for two years after the date of each recorded event; (f) for two years; (g) for two years; (h) for three years; (i) until disposal is authorized by the Commission; (j) 3 years when that survey is the last one performed in the work day.

34.43 Licensees utilizing sealed sources of byproduct material for radiography. [Amended]

See 34.11.

35.14 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.21 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.22 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.23 Licensees for certain groups of medical uses of byproduct material. [Revised; new amendment contained no record retention requirements]

35.24 Licensees for certain groups of medical uses of byproduct material. [Removed]

35.25 Licensees for certain groups of medical uses of byproduct material. [Revised]

To maintain records of the individual's use of byproduct material.
Retention period: Not specified.

35.26 Licensees for certain groups of medical uses of byproduct material. [Removed]

35.27 Licensees for certain groups of medical uses of byproduct material. [Revised]

To maintain records on visiting authorized user documentation.
Retention period: 2 years.

35.29 Licensees for mobile nuclear medicine services using byproduct material. [Added]

To retain letters signed by the management of each client for which services were rendered that authorized use of byproduct material at the client's address of use.

Retention period: 2 years after the last provision of service.

35.31 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of radiation safety program changes.

Retention period: Until the license has been renewed or terminated.

35.33 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of misadministrations involving any therapy procedures.

Retention period: 10 years.

35.44 Licensees reporting misadministration of byproduct material under general license. [Removed]

35.50 Licensees for certain groups of medical uses of byproduct material. [Added]

To retain a record of each check of and test of dose calibrators.

Retention period: 2 years unless directed otherwise.

35.51 Licensees for certain groups of medical uses of byproduct material. [Added]

To retain a record of each survey instrument calibration.

Retention period: 2 years.

35.59 Licensees in possession of any sealed source or brachytherapy source. [Added]

(a) To maintain records on leakage test and quarterly physical inventory of all sources in its possession.

Retention period: 5 years.

(b) To maintain records of the survey measuring the ambient dose rates quarterly in all areas where sources are stored.

Retention period: 2 years.

35.70 Licensees for certain groups of medical uses of byproduct material. [Added]

To keep records on the surveys for contamination and ambient radiation exposure rate.

Retention period: 2 years.

35.80 Licensees providing mobile nuclear medicine services. [Added]

To retain records of each survey of all radiopharmaceutical areas of use with a radiation detection survey meter to

ensure that all radiopharmaceuticals and all associated waste have been removed.

Retention period: 2 years.

35.92 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each disposal of byproduct material as ordinary trash.

Retention period: 2 years.

35.204 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each measurement of molybdenum concentration.

Retention period: 2 years.

35.205 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records on the controls of aerosols and gases, including the assumptions, measurements and calculations made of the amount of time needed after a radioactive gas spill to reduce the concentration in the room to the occupational limit listed in Appendix B to Part 20 of this chapter.

Retention period: Duration of use of the area.

35.310 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain a list of individuals receiving radiation safety instructions.

Retention period: 2 years.

35.315 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain record of each thyroid burden measurement, its date, the name of the individual whose thyroid burden was measured and the initials of the individual who made the measurements.

Retention period: Until the Commission authorizes disposition.

35.404 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain a record of the radiation survey of patients.

Retention period: 2 years.

35.408 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of brachytherapy source use and radiation survey of the patients and the areas use to confirm that no sources have been misplaced.

Retention period: 2 years.

35.410 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of personnel caring for the patient undergoing implant therapy receiving radiation safety instruction.

Retention period: 2 years.

35.610 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of individuals who operate teletherapy units receiving safety instruction.

Retention period: 2 years.

35.615 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of the radiation monitor check for proper operation each day before the teletherapy unit is used for treatment of patients.

Retention period: 2 years.

35.620 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain a record of each calibration, intercomparison, and comparison of dosimetry equipment.

Retention period: Duration of the license.

35.632 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each full calibration measurements on each teletherapy unit.

Retention period: Duration of use of the teletherapy unit source.

35.634 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of each spot-check on each teletherapy unit and a copy of each notification of the results of each spot-check.

Retention period: 2 years.

35.636 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of the safety checks for teletherapy facilities.

Retention period: 2 years.

35.641 Licensees for certain groups of medical uses of byproduct material. [Added]

To maintain records of the radiation measurements made following installation of a teletherapy source.

Retention period: Duration of the license.

35.647 Licensees for certain groups of medical uses of byproduct material. [Added]

To keep records of the inspection and servicing of each teletherapy unit during replacement.

Retention period: Duration of the license.

50.54 Licensees authorized to operate nuclear production and utilization facilities. [Amended]

To maintain (a) records of changes to physical security plan made without prior Commission approval; (b) records of changes to safeguard contingency plan made without prior Commission approval; (c) records of periodic review and audit of safeguards contingency plan; (d) records of changes in the production or utilization facility as described in the safety analysis report made without prior Commission approval; (e) records of changes in facility procedures as described in the safety analysis report made without prior Commission approval; (f) records of tests or experiments not described in the safety analysis report and made without prior Commission approval; (g) records showing the results of a review of development, implementation, and revision of an emergency preparedness program. The records described in paragraphs (d), (e), and (f) of this section shall include written safety evaluations which provide the bases for the determination that the change, test or experiment does not involve an unreviewed safety question.

Retention period: (a) and (b) for 2 years after date of change; (c) for two years after each review and audit; (d) until date of termination of license; (e) for five years after each change in facility procedures; (f) for five years after each test or experiment; (g) for 5 years.

50.59 Licensees authorized to operate nuclear production and utilization facilities. [Amended]

See 50.54.

50.71 Licensees and holders of construction permits. [Amended]

To maintain (a) such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission including records of fracture toughness test results, qualifications of test personnel, and calibration of test equipment; (b) records of design, fabrication, erection, and testing of structures, systems, and components important to safety of a production or utilization facility; (c) quality assurance records sufficient to furnish evidence of activities affecting quality, including operating logs, records

showing results of reviews, inspections, tests, audits, work performance monitoring and materials analyses, and records containing closely related data such as qualifications of personnel, procedures and equipment; (d) individual records of training of each brigade member, including drill critiques, which ensure that each member receives training in all parts of the training program.

Retention period: (a) If not otherwise specified by regulation, license condition or technical specification, until disposal is authorized by the Commission; (b) throughout life of facility; (c) not specified—to be established by applicant consistent with applicable regulatory requirements; (d) 3 years.

73.70 Licensees required to provide physical protection or safeguards for special nuclear material in transit and at fixed sites. [Amended]

To maintain (a) records of names and addresses of all authorized personnel, records of visitors, vendors and other individuals not employed by the licensee pursuant to 10 CFR 73.46(d)(10), 73.55(d)(6), or 73.60, records of results of tests maintenance and inspections of protected areas and security-related material, record of each alarm intrusion or other security incident, record of shipments of special nuclear material including information to comply with requirements of this part, procedures for controlling access to protected areas; (b) records of results of review and audit of licensee safeguards contingency plan for special nuclear material at fixed sites; (c) records of results of qualification and requalification of armed escorts and physical security personnel; (d) records documenting liaison with law enforcement authorities; (e) records of escort log and communications center personnel, for each spent fuel shipment, describing shipment and significant events that occur during the shipment.

Retention period: (a) Not specified; (b) two years from date of review and audit; (c) not specified; (d) not specified, 73.46(h)(2), (e) 1 year.

95.33 Licensees and others who may require access to National Security Information and Restricted Data related to a license or application for a license. [Revised]

To maintain records reflecting an individual's initial and refresher security orientations and security terminations.

Retention period: Not specified.

FEDERAL HOME LOAN BANK BOARD**12 CFR****564.2 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]**

The account records shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are invested and on which a claim for insurance coverage is founded.

Retention period: Not specified.

FARM CREDIT ADMINISTRATION**12 CFR****614.4442 Farm credit associations and banks. [Revised; record retention requirements now in 614.4444]****614.4444 Farm credit associations and banks. [Added]**

To maintain complete file on all written requests for reviews, including the disposition of the review by the credit review committee, and other written inquiries concerning adverse credit actions.

Retention period: Not specified.

621.3 Farm credit associations and banks. [Added]

To maintain accurate and complete records of all business transactions as necessary to prepare financial statements in accordance with generally accepted accounting principles.

Retention period: Not specified.

SMALL BUSINESS ADMINISTRATION**13 CFR****13 CFR Part 107, Appendix II Small Business Investment Companies (SBICs) licensed by SBA including 301(d) licensees. [Added]**

To maintain books and records including books of account, other records, and memoranda which support the entries in its books of accounts.

Retention period: At least 20 years.

108.5 Small business development companies. [Added]

To maintain financial records including books of accounts in accordance with generally accepted accounting principles.

Retention period: For the periods required by the Internal Revenue Service and generally accepted accounting practices.

108.5 State and local development companies. [Added]

To maintain, at the principal office, financial records including books of accounts, minutes of meetings of members, stockholders, directors,

executive committees or other officials, and all documents and supporting material relating to a development company's transactions.

Retention period: For the periods required by the IRS and generally accepted accounting practices.

108.503-3 503 companies. [Added]

To maintain records of all documents and materials relating to the loan applications submitted to SBA.

Retention period: Not specified.

108.505 Fiscal agents, transfer agents and selling groups issuing or selling debenture pool certificates (505 certificates). [Added]

To maintain all books, records and related materials associated with 504 Debentures or 505 Certificates.

Retention period: Not specified.

120.5 Subsection (b) lenders. [Removed]**120.5 Business loan policy. [Removed]****120.302-1 Small business lending companies. [Added]**

(a) To maintain accurate and current financial records, including books of account. All financial records, minutes of meetings of stockholders, directors, executive committees, or other officials, and all documents and supporting materials relating to the said Lender's transactions shall be maintained at the principal business office, provided, however, that securities held by a custodian pursuant to a written agreement shall be exempt from this requirement.

(b) To preserve, for the periods hereinafter specified and in a manner that permits the immediate location thereof, such documents which are the basis for financial statements required by section 120.303 (and of the accompanying independent public accountant's opinion), and shall:

(1) Preserve permanently—

(i) All general and subsidiary ledgers (or other records) reflecting asset, liability, capital stock and surplus, income, and expense accounts;

(ii) All general and special journals (or other records forming the basis for entries in such ledgers); and

(iii) The corporate charter, bylaws, application for determination of eligibility to participate with SBA, and all minutes, books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(2) Preserve for a least six years following final disposition of the related loan—

(i) All applications for financing;

(ii) Lending, participation, and escrow agreements;

(iii) Financing instruments;

(iv) All other documents and supporting material relating to such loans, including correspondence.

Records and other documents referred to in paragraph (1)(i) may be preserved by reproduction; provided, however, that said Lender shall cause a duplicate to be made on a current basis and stored separately from the original for the time required, and shall maintain at all times facilities for the projection and reproduction of the records.

124.1-3 The Small Business and Capital Ownership Development Program. [Removed; record retention requirements now in 124.401]**124.401 Minority Small Business and Capital Ownership Development Program. [Added]**

8(a) Concerns—advance payments. The section 8(a) business concern has established or agrees to establish and maintain financial records and controls which will provide for complete accountability and required reporting of program funds.

124.403 Minority Small Business and Capital Ownership Development Program. [Added]

Section 8(a) Concerns—letter of credit. See 124.401.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**14 CFR****1260.304 Grantees; cost—sharing. [Added]**

To maintain records of all grant costs claimed as constituting part of its share.

Retention period: 3 years.

1260.406 NASA grants awarded to educational institutions or nonprofit agencies. [Revised]

To maintain books and accounting records in accordance with the principles set forth in the documents listed in paragraph 405 of the NASA Grant and Cooperative Agreement Handbook.

Retention period: Financial records, supporting documents statistical records—3 years, or until all litigation, claims, or audit findings involving the records have been resolved. Nonexpendable property records—3 years.

1260.413 Grantees. [Added]

To maintain records of any accident involving death, disability injury, or substantial loss of property.

Retention period: Not specified.

1260.509 Grantees—property management. [Added]

To maintain property records accurately.

Retention period: Not specified.

COMMERCE DEPARTMENT**International Trade Administration****15 CFR****373.5 Exporters of donations for humanitarian projects under the Humanitarian license. [Added]**

To maintain records of all shipments, the values of said shipments, the countries and beneficiaries to which the donations are sent, the validated Dept. of Commerce letter and narrative statement, and any other party charged with distributing the donations to the beneficiaries.

Retention period: 2 years.

Economic Analysis Bureau**15 CFR****801.2 Persons subject to the jurisdiction of the U.S. engaged in international trade in services. [Added]**

To maintain any information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) which is essential for carrying out the surveys and studies provided for by the International Investment and Trade in Services Act.

Retention period: Not specified.

National Oceanic and Atmospheric Administration**15 CFR****931.95 Recipients of financial assistance under section 308 of the Coastal Zone Management Act of 1972, relating to the Coastal Energy Impact Program. [Added]**

To keep detailed project control records reflecting acquisitions, work progress, expenditures, and commitments, indicating in each instance their relationship to estimated costs and schedules. To also keep full written financial records.

Retention period: 3 years after completion of the project, program, or other undertaking and submission of the final Financial Status Report, whichever is sooner and until an audit is completed and all questions arising from it are resolved.

COMMODITY FUTURES TRADING COMMISSION**17 CFR****1.35 Contract markets. [Revised]**

To maintain a single record showing for each future or option trade the transaction date, time quantity, and as applicable, underlying commodity, contract for future delivery or physical, price or premium, delivery month or expiration date, whether the transaction involved a put or a call, strike price, floorbroker or floor trader buying, clearing member buying, floor broker or floor trader selling, clearing member selling, and symbols indicating the buying and selling customer or option customer types.

Retention period: 5 years.¹

1.35 Futures commission merchants, introducing brokers and clearing members. [Revised]

To maintain trading card or other record showing purchases and sales of any commodity for future delivery or commodity option on or subject to the rules of such contract market.

Retention period: 5 years.¹

ENERGY DEPARTMENT**Federal Energy Regulatory Commission****18 CFR****225.3 Natural gas companies. [Amended]**

To maintain records as indicated in 18 CFR Part 225—Preservation of Records of Natural Gas Companies.

Retention period: Various.

277.210 Sellers and purchasers of natural gas. [Added]

To maintain all other documents created in the ordinary course of business which relate to the bona fide offers; right of first refusal provision.

Retention period: 3 years.

¹ 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. Under certain conditions, microfilm reproductions may immediately be substituted for hard copy.

TREASURY DEPARTMENT**Customs Service****19 CFR****10.173 Importers of products from Caribbean and Central American designated as beneficiary countries. [Added]**

To maintain in the files of the party which prepared and signed the Certificate of Origin, the information necessary for preparation of the declaration.

Retention period: 5 years.

111.21 Licensed customs 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, powers of attorney, 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 the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 5 years from the date of withdrawal. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 5 years after the date of revocation. Records may be retained on microfilm pursuant to section cited.

111.22 Licensed customs brokers. [Amended]

See 111.21.

111.23 Licensed customs brokers. [Amended]

See 111.21.

LABOR DEPARTMENT**Employment and Training Administration****20 CFR****617.57 State agencies administering trade adjustment assistance for workers under the Trade Act of 1974. [Added]**

To maintain records pertaining to the administration of the Act as the Secretary requires.

Retention period: Not specified.

**HEALTH AND HUMAN SERVICES
DEPARTMENT****Food and Drug Administration****21 CFR**

110.80 Manufacturers, processors, packers, and repackers of human foods. [Removed]

179.24 Persons treating food with low dose electron beam radiation. [Removed]

225.202 Manufacturers of medicated feed. [Added]

To maintain records identifying the formulation, date of mixing, and if not for own use, date of shipment.

Retention period: 1 year following date of last distribution.

310.305 Manufacturers, packers, and distributors of marketed prescription drugs for human use without approved new drug applications. [Added]

To establish and maintain records of all serious, unexpected adverse drug experiences and any significant increase in the frequency of a serious expected adverse drug experience.

Retention period: 10 years.

610.12 Manufacturers performing sterility tests on biological products. [Added]

To maintain records as required by 21 CFR 211.167, 211.194 and 600.12.

Retention period: Not specified.

**HOUSING AND URBAN
DEVELOPMENT DEPARTMENT****Office of Assistant Secretary for
Housing—Federal Housing
Commissioner****24 CFR**

200.182 Assisted housing owners or mortgagees under the National Housing Act. [Added]

To maintain evidence of citizenship or eligible alien status.

Retention period: Not specified.

207.27 Project mortgagors under the National Housing Act. [Amended]

To maintain records of all cost of any construction or other costs items not representing work under general contract.

Retention period: Not specified.

812.5 Section 8 assisted housing responsible entities. [Added]

To maintain evidence of citizenship or eligible alien status.

Retention period: Not specified.

905.204 Indian Housing Authorities (IHAs). [Added]

To maintain documentation in its files for HUD review a copy of the

determination where the provision of preference in Indian contracting, employment, and training is infeasible.

Retention period: 3 years.

912.5 Public housing agents (PHAs). [Added]

To maintain evidence of citizenship or eligible alien status.

Retention period: Not specified.

TREASURY DEPARTMENT**Internal Revenue Service****26 CFR**

1.144-5 Transferor of a U.S. property who is not a foreign person. [Added]

To retain a certificate of non-foreign status informing the transferee that withholding is not required.

Retention period: Until the end of the fifth taxable year following the taxable year in which the transfer takes place.

48.4041-7 Allocation of diesel and special fuel from common tank for use in special equipment. [Revised]

To maintain records that will support the allocation of liquid drawn from the same tank as the one supplying fuel for propulsion of a vehicle, and sold for use or used in a separate motor to operate special equipment.

48.4041-11 Persons registered to sell or purchase tax-free fuel for use in non-commercial aviation. [Added]

To maintain exemption certificates and proper supporting records such as invoices, order, etc. relative to tax-free sales.

48.4041-16 Liquid retailers. [Added]

To maintain adequate records and documentary evidence showing that article was so sold to establish exemption from tax in the case of a taxable article for export.

48.6421(a)-1 Allocation of gasoline for use in special equipment. [Removed]

TREASURY DEPARTMENT**Bureau of Alcohol, Tobacco and
Firearms****27 CFR**

19.750 Proprietors of distilled spirits plants. [Revised]

To maintain records on the results of all alcohol contents and fill tests conducted.

Retention period: 3 years.

19.778 Proprietors of distilled spirits plants. [Revised]

(a) To maintain separate accountings, in proof gallons, of Puerto Rican rum, other Puerto Rican spirits, and Virgin

Island spirits received in the processing account for nonindustrial use.

(b) To maintain monthly reports on ATF Form 5110.28, showing separately the adjusted proof gallons of Puerto Rican rum, other Puerto Rican spirits, and Virgin Islands spirits received in processing.

Retention period: 3 years.

25.42 Brewers. [Added]

To keep records of testing of beer measuring devices.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.252 Brewers. [Added]

To keep records of the production of malt syrup, wort, and the removals of brewer's yeast, malt and other articles from the brewery.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.276 Operators of pilot brewing plants. [Added]

To maintain records which include 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: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.284 Brewers. [Added]

To keep records to support adjustments on the excise tax return in lieu of filing a claim.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.291 Brewers. [Added]

To maintain individual transaction forms, records, summaries, supplemental, auxiliary, and source data used in the compilation of required forms, records, and summaries, and for preparation of reports, returns, and claims, and copies of notices, reports, returns, and approved applications and other documents relating to operations and transactions.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3

years where such retention is deemed necessary or advisable.

25.292 Brewers. [Added]

To maintain daily records of operations.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.293 Brewers. [Added]

To maintain records of ballings and alcohol content.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.294 Brewers. [Added]

To maintain records of inventories of beer or cereal beverage.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.295 Brewers. [Added]

To maintain records of unsalable beer.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.296 Brewers producing concentrate or reconstitute beer. [Added]

To maintain daily records of beer concentrate.

Retention period: 3 years. The regional director (compliance) may require retention for an additional 3 years where such retention is deemed necessary or advisable.

25.300 Brewers. [Added]

See 27 CFR 25.252, 25.276, 25.284, 25.291, 25.292, 25.294 and 25.296.

25.301 Brewers. [Added]

See 27 CFR 25.252, 25.276, 25.284, 25.291, 25.292, 25.294 and 25.296.

178.100 Licensed firearms manufacturers, importers, dealers, and collectors conducting business at gun shows. [Added]

To maintain firearms and armor-piercing ammunition records in the form and manner prescribed by 27 CFR Part 178, Subpart H.

Retention period: See 27 CFR 178.129.

178.122 Licensed importers of firearms. [Added]

To maintain records on importation or other acquisition; records on firearms and armor-piercing ammunition transferred to another licensee; and records on the sales or other disposition made of firearms and armor-piercing ammunition to nonlicensees.

Retention period: See 27 CFR 178.129.

178.123 Manufacturers of firearms. [Revised]

See 178.122.

178.124 Licensed firearms importers, manufacturers, or dealers. [Revised]

To maintain firearms transaction records.

Retention period: See 27 CFR 178.129.

178.125 Licensed firearms dealers and collectors. [Revised]

To maintain (a) records on armor-piercing ammunition sales to nonlicensees and licensees; (b) commercial records of armor-piercing ammunition transactions; (c) records on firearms receipt and disposition by dealers and licensed collectors; (d) commercial records of firearms received; and (e) other such records as specified in section cited.

Retention period: See 27 CFR 178.129.

178.127 Licensed firearms manufacturers, importers, dealers, and collectors. [Revised]

See 178.129.

178.171 Licensed manufacturers, licensed importers, and licensed dealers exporting firearms and armor-piercing ammunition. [Revised]

(a) To maintain records showing the manufacture or acquisition of the firearms; the name and address of the foreign consignee of the firearms and armor-piercing ammunition; and the date the firearms and armor-piercing ammunition were exported.

Retention period: See 27 CFR 178.129.

245.110C Brewers. [Removed]

245.135 Brewers. [Removed]

245.136 Brewers. [Removed]

245.145 Brewers. [Removed]

245.146 Brewers. [Removed]

245.147 Brewers. [Removed]

245.148 Brewers. [Removed]

245.152 Brewers. [Removed]

245.153 Brewers. [Removed]

245.155 Brewers. [Removed]

245.156 Brewers. [Removed]

245.157 Brewers. [Removed]

245.158 Brewers. [Removed]

245.161 Brewers. [Removed]

245.205 Brewers. [Removed]

245.206 Brewers. [Removed]

245.207 Brewers. [Removed]

245.208 Brewers. [Removed]

245.215 Brewers. [Removed]

245.217 Brewers. [Removed]

245.225 Brewers. [Removed]

245.226 Brewers. [Removed]

245.227 Brewers. [Removed]

245.232 Brewers. [Removed]

245.245 Brewers. [Removed]

245.256 Proprietors of pilot brewing plants. [Removed]

252.145 Brewers. [Revised; record retention requirements now in 252.146]

252.146 Brewers. [Added]

To keep copies of Form 1689 covering beer and beer concentrate withdrawn without payment of tax for exportation, use as supplies on vessels and aircraft, or transfer to a foreign-trade zone.

Retention period: 2 years.

252.150f Brewers. [Removed]

252.150g Brewers. [Removed]

252.150h Brewers. [Removed]

LABOR DEPARTMENT

Office of the Secretary

29 CFR

5.5 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). [Amended]

(a) To keep payroll and basic records including name, address, and social security number 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, (3) that it is financially responsible, and (4) the costs anticipated or the actual cost incurred in providing such benefits.

(c) To furnish evidence of registration of an apprenticeship program and certification of trainee programs, the registration of apprentices and trainees, together with evidence of the appropriate ratios and wage rates prescribed in the applicable program.

Retention period: 3 years after termination of contract.

5.5 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours and Safety Standards Act. [Amended]

To keep payrolls and records including name, address, social security number, correct classification, hourly rate of pay, daily and weekly number of hours worked, and deductions made and actual wages paid.

Retention period: 3 years from completion of contract.

Occupational Safety and Health Administration

29 CFR

1910.68 Employers subject to manlifts standards. [Amended]

To maintain certification records of findings of manlift inspections.
Retention period: Not specified.

1910.120 Employers engaged in the hazardous waste operations and emergency response operations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 USC 9601 et. seq.). [Added]

To maintain records of the medical surveillance of (a) all employees who are or may be exposed to hazardous substances or health hazards at or above the established permissible

exposure limits for these substances, without regard to the use of respirators, for 30 days or more a year; (b) all employees who wear a respirator; and (c) HAZMAT employees engaged in hazardous waste operations.

Retention period: As specified in 29 CFR 1910.20.

1910.157 Employers subject to fire protection standards. [Amended]

To maintain evidence of the required hydrostatic testing or portable fire extinguishers.

Retention period: The lesser of until hydrostatically retesting at stated intervals or until taken out of service.

1910.179 Employers subject to materials handling and storage standards. [Amended]

To maintain monthly maintenance and test inspection reports concerning rated load test results and ropes idle for a month or more.

Retention period: Not specified.

1910.180 Employers subject to crawler locomotive and truck cranes. [Amended]

To maintain monthly certification inspection reports and records on critical items such as brakes, crane hooks, and ropes.

Ropes shall be kept readily available.
Retention period: Not specified.

1910.181 Employers subject to derrick standards. [Amended]

To maintain monthly written report readily available on inspections of all running and idle ropes.

Retention period: Not specified.

1910.218 Employers subject to forging machine standards. [Added]

To maintain certification records of the periodic and regular maintenance safety checks.

Retention period: Not specified.

1910.252 Employers subject to welding, cutting and brazing standards. [Amended]

To maintain periodic certification records of maintenance inspections.

Retention period: Not specified.

1910.1001 Employers subject to asbestos, tremolite, anthophyllite, or actinolite standards. [Revised]

(a) To keep accurate records of all employees exposure measurements.

Retention period: 30 years.

(b) To maintain accurate record of objective data reasonably relied upon in support of exempted operations.

Retention period: Duration of employer's reliance upon objective data.

(c) To maintain accurate record for each employee subject to medical surveillance.

Retention period: Duration of employment plus thirty years.

(d) To maintain all employee training records.

Retention period: 1 year beyond last date of employment of the employee.

1910.1100 Employers subject to the asbestos standards. [Added]

To maintain medical records and records of any personal or environmental monitoring required by cited section.

Retention period: 20 years.

1915.113 Employers subject to shackles and hooks standards. [Amended]

To maintain certification records of tests on all hooks for which no applicable manufacturer's recommendations are available before use.

Retention period: Not specified.

1915.172 Employers of maritime employees. [Amended]

To maintain certification records of the hydrostatic pressure tests on portable unfired pressure vessels.

Retention period: Not specified.

1926.58 Employers subject to asbestos, tremolite, anthophyllite and actinolite standards. [Added]

See 1910.1001.

INTERIOR DEPARTMENT

Minerals Management Service

30 CFR

212.200 Lessees, operators, revenue payors, or other persons holding offshore and onshore Federal and Indian oil and gas leases. [Added]

See 212.51.

TREASURY DEPARTMENT

Monetary Offices

31 CFR

103.32 Financial institutions granting exemptions from the Bank Secrecy Act reporting requirements. [Revised]

To retain statements signed by customer that describe the customary conduct of the lawful domestic business of that customer and a detailed statement of reasons why such person is qualified for an exemption.

Retention period: As long as the customer is on the exempt list and for a period of 5 years following removal of the customer from the bank's exempt list.

Office of Foreign Assets Control**31 CFR****545.601 Persons engaged in transactions subject to the South Africa Transactions Regulations. [Revised]**

To keep a full record of each transaction subject to the provisions of 31 CFR Part 545, whether effected pursuant to license or not.

Retention period: 2 years after date of transaction.

550.601 Persons engaged in transactions subject to Libyan Sanctions Regulations. [Added]

To keep a full and accurate record of each transaction including any transaction effected pursuant to license or otherwise.

Retention period: 2 years after date of such transaction.

EDUCATION DEPARTMENT**34 CFR****222.40 Assistance to local educational agencies in federally impacted areas receiving Federal assistance. [Amended]**

To maintain adequate written records to prove its entitlement to whatever amount of payment the LEA received for any fiscal year.

Retention period: Five years after end of each fiscal year for which funds were received or until resolution of all Federal audit or review and necessary adjustments to payments have been made.

222.41 Assistance to local educational agencies in federally impacted areas receiving Federal payment. [Amended]

See 222.40.

682.211 Lenders participating in the Guaranteed Student Loan and Plus Programs. [Added]

To maintain evidence in the borrower's loan file that the forbearance has been agreed to by both the lender and the borrower.

Retention period: 5 years after the loan is paid in full or has been determined to be uncollectable in accordance with the agency's write-off procedures.

682.405 Guarantee agencies having a reinsurance agreement for PLUS loans and GSLP loans under section 682.404 entering into a supplemental reinsurance agreement for one of the programs. [Added]

To maintain separate records for each program sufficient to enable the Secretary to determine the reinsurance percentage payable by the Secretary on reinsurance claims and the Secretary's equitable share of borrower payments.

Retention period: 5 years after the loan is paid in full or has been determined to be uncollectable in accordance with the agency's write-off procedures.

682.406 Guarantee agencies. [Revised; new amendment contained no record retention requirements]**682.408 Guarantee agencies and participating lenders in the Guaranteed Student Loan and Plus Programs. [Added]**

(a) *Guarantee Agencies.* To keep records required by cited section and such other records as are necessary to document fully the accuracy of reports and the right of the agency to receive or retain payment made by the Secretary.

Retention period: 5 years after the loan is paid in full or has been determined to be uncollectable in accordance with the agency's write-off procedures.

(b) *Participating agencies.* To keep complete and accurate records of each loan that it holds permitting readily identification of the current status of each loan.

Retention period: Not less than 5 years following the date the loan is repaid in full by the borrower or the lender is reimbursed on a claim. In particular cases, the Secretary or the guarantee agency may require the retention of records beyond this minimum period.

682.515 Lenders under the FISLP and Federal Plus Programs. [Added]

To keep complete and accurate records of each loan that it holds, including but not limited to the records described in section 682.414(a)(3)(ii).

Retention period: Not less than 5 years following the date the loan is repaid in full by the borrower or the lender is reimbursed on a claim. In particular cases, the Secretary may require the retention of records beyond this minimum period.

682.519 Lenders under the Federal Insured Student Loan Program. [Revised; record retention requirements now in 682.515].**682.610 Schools participating in the Guaranteed Student Loan and Plus Program. [Added]**

To maintain all necessary records as set forth in 34 CFR Parts 668 and 682.

Retention period: 5 years following the last day of the period for which the loan was intended.

682.612 Institutions of higher education participating in the Guaranteed Student Loan Program. [Revised; record retention requirements now in 682.610]**683.35 Guarantee agencies participating in the PLUS program. [Removed]****683.37 Guarantee agencies. [Removed]****683.68 Lenders participating in the Federal PLUS Program. [Removed]****683.91 Participating schools in the Federal PLUS Program. [Removed]****AGRICULTURE DEPARTMENT****Forest Service****36 CFR****223.48 Timber purchasers. [Added]**

To maintain records of such transactions involving unprocessed timber.

Retention period: 3 years after the sale is terminated.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**36 CFR****1206.92 Recipients of Federal grants for collecting and publishing historical documents. [Added]**

To maintain accounting records relating to all expenditures for each projects in accordance with generally accepted accounting practices.

Retention period: During grant period and for 3 years thereafter in accordance with OMB Circular A-110 and Federal Management Circular 74-7.

POSTAL SERVICE**39 CFR****Part 111 Second-class mailers. [Added]**

To maintain records of requests for a publication which are obtained in conjunction with subscriptions or requests for another publication or other publications in such a manner that individual requests for the publications, by titles, can be substantiated and verified.

Retention period: Not specified, (incorporation by reference DMM 422.6).

Part 111 Second-class mailers. [Added]

To maintain records for subscriptions to publications which are obtained in conjunction with subscriptions to another publication or other publications in such a manner that individual subscriptions to each publication, by title, can be substantiated and verified.

Retention period: Not specified, (incorporation by reference DMM 422.221).

ENVIRONMENTAL PROTECTION AGENCY

40 CFR

4.9 State agencies participating in relocation assistance program. [Added]

To maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this Part 4.

Retention period: 3 years after each owner of a property and each person displaced from the property receives final payment.

4.105 State agencies participating in relocation assistance programs. [Revised; record retention requirements now in 4.9].

51.102 States conducting public hearings on air pollution control implementation plans. [Added]

To maintain a record of each hearing. The record must contain, at a minimum, a list of witnesses together with the text of each presentation.

Retention period: Not specified.

60.49b Owners or operators of industrial-commercial-institutional steam generating facilities. [Added]

(a) To maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan which identifies the operating conditions to be monitored under section 60.48b(g)(2) if the plan is approved.

(b) To maintain records of the amounts of all fuels fired during each day.

(c) To maintain records of the nitrogen content of the oil fired in the affected facility.

Retention period: 2 years.

61.67 Owners or operators of plants which produce vinyl chloride. [Amended]

To maintain records of emission test results and other data needed to determine emissions.

Retention period: 3 years.

61.70 Owners or operators of plants which produce vinyl chloride. [Added]

To maintain records of all data needed to determine average emissions.

Retention period: 3 years.

61.71 Owners or operators of plants which produce vinyl chloride. [Amended]

To maintain records of: (a) The leaks detected by the vinyl chloride monitoring system; (b) leaks detected during routine monitoring with the portable hydrocarbon detector and the action taken to repair the leaks; and (c)

emission monitoring. To also keep a daily operating record for each polyvinyl chloride reactor, including pressures and temperatures.

Retention period: 3 years.

61.165 Owners or operators of glass melting furnaces that use commercial arsenic as raw materials. [Added]

To maintain records to meet the emission limit requirements.

Retention period: 2 years.

61.176 Owners or operators of copper converters. [Added]

To maintain records of the visual inspections, maintenance, and repairs performed on each secondary hood systems.

Retention period: 2 years.

61.185 Owners or operators of arsenic trioxide and metal arsenic production facilities. [Added]

To maintain records of all measurements, maintenance and repairs made to the continuous monitoring system or monitoring device, ambient concentrations at all sampling sites, other data needed to determine such concentrations and other information as specified in section cited.

Retention period: 2 years.

157.36 Registrants of pesticide products required to be in child-resistant packagings. [Added]

To maintain records on description of the packages, copies of certification statements required by section 157.34, and other information as specified in the section.

Retention period: As long as the child-resistant packaging is in effect.

262.57 Primary exporters of hazardous waste. [Added]

To maintain copies of each notification of intent to export; each EPA Acknowledgement of Consent; each confirmation of delivery of the hazardous waste from consignee; and each annual report.

Retention period: 3 years.

264.71 Owners and operators of on-site and off-site hazardous waste treatment, storage, and disposal facilities (hazardous waste from a rail or water bulk shipment) transporter. [Amended]

To keep a copy of each shipping paper and manifest signed by the owner or operator for shipments delivered by rail or water (bulk shipment).

Retention period: 3 years from date of delivery.

264.73 Owners and operators of on-site and off-site hazardous waste treatment, storage, and disposal facilities. [Amended]

To keep a written operating record of the facility.

Retention period: Until at least closure of the facility; monitoring data at disposal facilities: Throughout the post-closure period; records for inspections: 3 years.

265.73 Owners and operators of on-site and off-site hazardous waste treatment, storage, and disposal facilities. [Amended]

See 264.73.

704.33 Persons who manufacture, import or process P-tert-butylbenzoic acid (P-TBBA), p-tert-butyltoluene (P-TBT) and p-tert-butylbenzaldehyde (P-TBB). [Added]

To maintain documentation of information contained in report on data under section 8(a), including information on chemical identity and structure, production, use, exposure, disposal, and health and environmental effects.

Retention period: 5 years from the date of submission of the report.

710.37 Manufacturers and importers of certain substances included in the Toxic Substances Control Act (TSCA) Inventory. [Added]

To maintain records that document any information reported to EPA. For substances that are manufactured or imported at less than 10,000 pounds annually, volume records must be maintained as evidence to support a decision not to submit a report.

Retention period: 4 years beginning with effective date of that reporting period.

720.78 Manufacturers and importers of new chemical substances subject to the provisions of the Toxic Substances Control Act. [Revised]

(a) To maintain documentation of information reviewed and evaluated to determine the need to make any notification of risk.

Retention period: 5 years.

(b) To maintain documentation of the nature and method of notification concerning the health and environmental effect of a substance including copies of any labels or written notices used.

Retention period: 5 years.

(c) To maintain documentation of prudent laboratory practices used instead of notification and evaluation.

Retention period: 5 years.

(d) To maintain the names and addresses of any persons other than the manufacturer or importer to whom the substance is distributed, the identity of the substance to the extent known, the amount distributed and copies of notification required under section 720.36(c)(2).

Retention period: 5 years.

(e) Persons manufacturing or importing substance in quantities

greater than 100 kilograms per year must maintain records of the identity of the substance to the extent known, the production volume of the substance, and the disposition of the substance.

Retention period: 5 years.

761.80 Processors and distributors of PCBs and PCB items. [Added]

To maintain records of activities.

Retention period: 5 years.

761.80 Processors and distributors of PCB in small quantities for research and development having class exemption. [Added]

To maintain records of PCB activities.

Retention period: 5 years.

763.121 Employers of public asbestos abatement workers. [Revised]

To maintain records of employee medical examinations and personal and environmental monitoring.

Retention period: 20 years.

HEALTH AND HUMAN SERVICES DEPARTMENT

Public Health Service

42 CFR

405.406 All providers of services (hospitals, skilled nursing facilities, home health agencies, and clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and/or speech pathology services) which have filed agreements to participate in the health insurance for the aged and disabled program. [Removed]

405.2133-405.2160 Suppliers of End-Stage Renal Disease (ESRD) Services. [Amended]

To maintain the following: Personnel records on all employees including health status reports, resumé of training and experience, and job descriptions; records reflecting the content of, and attendance at, employee training sessions; written long-term programs and patient care plans for each patient; medical records on all patients (i.e., those receiving care within the facility and those self-care or home dialysis patients for whom the facility has assumed responsibility); records of equipment test results and maintenance; an emergency preparedness plan; and, in the case of renal dialysis facilities, documentation from a renal dialysis center to the effect that patients from the facility will be accepted and treated in emergencies.

Retention period: Medical records, for a period of time not less than that determined by the State statute governing records retention or statute of limitations; or in the absence of a State statute, 5 years from the date of discharge, or, in the case of a minor, 3

years after the patient becomes of age under State law, whichever is longer.

413.20 All providers of services (hospitals, skilled nursing facilities, home health agencies and clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and/or speech pathology services) which have filed agreements to participate in the health insurance for the aged and disabled program. [Added]

To maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Such records shall include but not be limited to matters of provider ownership, organization, and operation; fiscal, medical, and other recordkeeping systems; Federal income tax status; asset acquisition, lease, sale or other actions; franchise or management arrangements; patient service charge schedules; matters pertaining to costs of operation; amounts of income received by source and purpose; and flow of funds and working capital.

Retention period: Not specified.

413.174 End-Stage Renal Disease (ESRD) facilities. [Added]

To keep adequate cost data and cost finding for outpatient maintenance dialysis.

Retention period: Not specified.

482.24 Hospitals participating in Medicare. [Added]

To maintain a medical record for each inpatient and outpatient.

Retention period: 5 years.

482.26 Hospitals participating in Medicare. [Added]

To maintain records of radiologic services.

Retention period: 5 years.

482.53 Hospitals participating in Medicare. [Added]

To maintain records on nuclear medicine services including copies of nuclear medicine reports and records of the receipt and disposition of radiopharmaceuticals.

Retention period: 5 years.

482.61 Psychiatric hospitals participating in Medicare. [Added]

To maintain special medical records which include development of assessment/diagnostic data, treatment plan, recording progress and discharge planning and discharge summary.

Retention period: 5 years.

HEALTH AND HUMAN SERVICES DEPARTMENT

Office of Family Assistance

45 CFR

205.60 State agencies administering medical assistance programs. [Revised]

(a) To maintain records on applicants and recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary.

(b) To maintain records on applicants and Office of Family Assistance recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR

42.4 Communication common carriers. [Added]

To maintain at its operating company headquarters a master index of records. The master index shall identify the records retained, the related retention period, and the locations where the records are maintained.

Retention period: Various.

42.6 Communication common carriers. [Added]

To maintain telephone toll records.

Retention period: 18 months.

42.7 Communication common carriers. [Added]

To prepare, maintain and preserve records cited in 42.4 and 42.6 in such a manner that they are easily accessible, identified, located, and reproduced in readable form without loss of clarity.

Retention period: Various.

42.8 Communication common carriers. [Removed]

42.9 Communication common carriers. [Removed]

73.1225 Licensees of TV broadcast stations. [Revised]

(a) All broadcast stations: Equipment performance measurements required by sections 73.1590 and 73.1690; written designations for chief operators and when applicable, the contracts for chief operators engaged on a contract basis; applications for modification of the transmission systems; informal statements or drawings depicting any

transmitter modifications; and station logs and special technical records.

(b) Commercial and noncommercial AM stations: Copy of the most recent antenna or commonpoint impedance measurements; copy of the most recent field strength measurement made to establish performance of directional antennas; and copy of the partial directional antennas.

Retention period: Not specified.

73.3526 Permittees or licensees of AM, FM, or TV stations in the commercial broadcast services. [Amended]

(a) To maintain copies of every application tendered for filing all exhibits, letters, and all amendments, all correspondence between FCC and applicants, every ownership report or supplemental ownership report and every annual employment record.

Retention period: Various.

(b) To maintain records concerning broadcasts by candidates for public office as required by section 73.1940.

Retention period: 2 years.

(c) To maintain a copy of the Public and Broadcasting—A Procedure Manual (see FCC 74-942, 39 FR 32288, September 5, 1974).

Retention period: Indefinitely.

(d) To maintain letters received from members of the public as required by section 73.1202.

Retention period: 3 years.

(e) To maintain a list of at least 5 to 10 community issues addressed by the station's programming during the preceding 3 month period.

Retention period: Term of the license—5 and 7 years for TV and radio, respectively.

(f) To place in the station's local public inspection file a statement certifying compliance when applying for renewal of license.

Retention period: As long as the application to which it refers.

76.311 Operators of cable television systems. [Removed]

80.405 Licensees of radio stations in the maritime services. [Added]

To retain the most recent expired ship station license in the station records.

Retention period: Until the first Commission inspection after the expiration date.

80.409 Licensees of radio stations in the maritime services. [Added]

To maintain station logs.

Retention period: (1) 1 year from date of entry and when applicable for such additional periods as required by the following: (a) Logs relating to distress

situation or disaster—3 years from date of entry; (b) logs involving an investigation by the Commission—until the licensee is specifically authorized in writing to destroy them; (c) logs relating to any claim or complaint—until the claim or complaint has been satisfied or barred by statute limiting the time for filing suits upon such claim; and (d) ship radiotelephone logs and applicable radiotelephone log entries—in their original form for at least 30 days from date of entry.

80.413 Licensees of on-board stations in the maritime services. [Added]

To maintain equipment records which show the ship name and identification of the on-board station; the number and type of repeater and mobile units used on-board the vessel; and the date and type of equipment which is added or removed from the on-board station.

Retention period: Not specified.

81.115 Licensees of radio stations on land in the maritime services and Alaska fixed service. [Removed]

81.194 Licensees of radio stations on land in the maritime services and Alaska public fixed stations. [Removed]

81.224 Licensees of radio stations on land in the maritime services and Alaska public fixed stations. [Removed]

81.314 Licensees of radio stations on land in the maritime services and Alaska public fixed stations. [Removed]

81.352 Licensees of limited coast stations or marine-utility stations used on shore. [Removed]

81.352 Licensees of limited coast stations and marine-utility stations. [Removed]

81.603 Licensees of fixed stations associated with the maritime mobile service marine fixed stations. [Removed]

81.704 Licensees of Alaska public fixed stations. [Removed]

83.111 Licensees of radio stations on shipboard in the maritime services. [Removed]

83.115 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.184 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.368 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.405 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.457 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.459 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention. [Removed]

83.462 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention. [Removed]

83.463 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.473 Licensees of radio stations on shipboard on the maritime services. [Removed]

83.548 Licensed operators; radiotelephone installations provided for compliance with the Great Lakes Radio Agreement. [Removed]

83.819 Licensees of radio stations on shipboard on the maritime services authorized for use-of-on-board communications. [Removed]

GENERAL SERVICES ADMINISTRATION

48 CFR

52.222-4 Contractors subject to the Contract Work Hours and Safety Standards Act—Overtime Compensation—General contracts clause. [Revised]

To maintain payroll and basic payroll records during the course of contract work.

Retention period: 3 years from contract completion.

DEFENSE DEPARTMENT

48 CFR

252.208-7000 Contractors with contracts containing the required sources for miniature and instrument ball bearings clause. [Revised]

To maintain compliance records.

Retention period: 3 years from date of final payment.

252.208-7001 Contractors with contracts containing required sources for precision components for mechanical time devices clause. [Revised]

To maintain compliance records.

Retention period: 3 years from the date of final payment.

252.208-7003 Contractors with contracts containing required sources for high carbon ferrochrome. [Added]

See 252.208-7000.

252.208-7005 Contractors with contracts containing required sources for forging and welded shipboard anchor chain items. [Added]

See 252.208-7000.

252.217-7103 Contractors with contracts containing the job orders and compensation clause. [Revised]

To keep records showing the cost of performing work on a vessel.

Retention period: Not specified.

252.217-7104 Contractors with contracts containing inspection and manner of doing work clause. [Revised]

To keep records of all inspection work.

Retention period: 90 days after completion of all work required by the job order.

252.222-7000 Contractors with fixed price contracts containing potential application of the Service Contract Act, as amended clause. [Revised]

To maintain pertinent books, documents, papers, and records.

Retention period: 3 years after final payment.

252.236-7005 Contractors subject to the salvage materials and equipment contracts clause. [Revised]

To maintain adequate property control records for all materials or equipment specified to be salvaged.

Retention period: Not specified.

252.237-7415 Contractors subject to provisions of cost or pricing data—common carrier contracts clause. [Revised]

To maintain such books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly the direct and indirect cost which were the basis for the pricing of the CSA.

Retention period: 3 years from the date of the submission of the data which

forms the basis for a recurring or nonrecurring charge or until the expiration of the period of contingent liability.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR

1852.222-4 Contractors having contracts with Contract Work Hour and Safety Standards Act—overtime compensation clause. [Added]

To maintain payroll and basic payroll records during the course of the contract work for all laborers and mechanics, including guards and watchmen, working on the contract work.

Retention period: 3 years from completion of the contract.

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

49 CFR

192.225 Welders of steel materials to be used in pipelines. [Revised]

To keep records of welding procedures that have been qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104.

Retention period: As long as procedure is used.

195.214 Welders. [Added]

To maintain records in detail of the welding procedures, including the results of the qualifying tests.

Retention period: As long as procedures are used.

Coast Guard

49 CFR

421.30 Nonprofit firms or associations designated to certify containers for international transport under Customs seal. [Removed]

National Highway Traffic Safety Administration

49 CFR

585.6 Passenger car manufacturers. [Added]

To maintain records of the Vehicle Identification Number and type of automatic restraint for each passenger car which is reported under section 585.5.

Retention period: Until December 31, 1991.

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

50 CFR

611.70 Operators of foreign fishing vessels. [Amended]

To maintain such records as daily catch, daily receipt, transfer, and daily cumulative receipts logs and/or any other reports required in this section.

Retention period: Not specified.

611.92 Operators of foreign fishing vessels. [Amended]

See 611.60.

630.5 Owners or operators of vessels of the United States who have been issued a permit to fish for or land swordfish. [Added]

To maintain daily fishing records on forms provided by the Center Director according to instructions.

Retention period: Monthly.

653.5 Owners or operators of vessels fishing in the non-directed commercial red drum fisheries. [Added]

To maintain logbook containing the name and address of owner or operator; name and official number of vessel and vessel's home port; port and time of departure and arrival; pounds of red drum landed; and other information as specified in cited section.

Retention period: Not specified.

BILLING CODE 1505-02-T

Register Federal Register

Friday
February 27, 1987

Part III

Department of Defense General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 3, 9, and 52

Federal Acquisition Regulation; Anti-Kickback Act of 1986; Interim Rule With Request for Comment

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 3, 9, and 52**

[Federal Acquisition Circular 84-24]

Federal Acquisition Regulation; Anti-Kickback Act of 1986

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Interim rule with request for comment.

SUMMARY: Federal Acquisition Circular (FAC) 84-24 amends the Federal Acquisition Regulation (FAR) with respect to the revision of sections 3.502, 9.406, and the addition of the clause at 52.203-7 concerning implementation of the Anti-Kickback Act of 1986.

EFFECTIVE DATE: February 6, 1987.

COMMENT DATE: Comments must be received on or before April 28, 1987. Please cite FAC 84-24 in all correspondence on this subject.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041 Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523-4755.

SUPPLEMENTARY INFORMATION:**A. Background**

Federal Acquisition Regulation 3.502, 9.406-1, and 52.203-7 are being revised to implement the Anti-Kickback Act of 1986 (41 U.S.C. 51-58). The Act was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. The Act requires each contracting agency to include in all contracts a requirement that the contractor shall (a) have in place and follow reasonable procedures designed to prevent and detect violations of the Act; and (b) cooperate with any Federal agency investigating a violation of the Act. This requirement is effective in all solicitations issued on or after February 6, 1987.

B. Regulatory Flexibility Act

The revision of Subpart 3.5 concerning implementation of the Anti-Kickback Act of 1986 may have a significant economic impact on a substantial number of small entities. An initial regulatory flexibility analysis has been prepared and provided to the Chief Counsel for Advocacy, Small Business Administration.

Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis has been prepared in accordance with section 603, Title 5, United States Code.

Reasons for Proposed Agency Action

This rule implements the Anti-Kickback Act of 1986, which requires that each contract include requirements that the prime contractor have in place and follow reasonable procedures designed to prevent and detect violations of the Act and to cooperate fully with any Federal agency investigating a violation of the Act. The rule also provides other essential information on the Act to contracting parties.

Objectives and Legal Basis

The objective is to implement the Anti-Kickback Act of 1986. The legal basis is the aforementioned Act.

Description of and Estimate of Number of Small Entities to Which Interim Rule Applies

This interim rule may have a significant economic impact on a substantial number of small entities. However, the actual impact is not known. Publication as an interim rule will afford the public the opportunity to comment on its economic impact on small entities, and such comments will be considered in the formulation of the final regulatory flexibility analysis and the final rule.

Projected Reporting, Recordkeeping, and Other Compliance Requirements

This interim rule will require the establishment of procedures by all Government prime contractors and subcontractors to detect and report possible violations of the Act, and to cooperate fully with any Federal agency investigating a violation of the Act. The impact in this area on small entities is not known. As stated above, the public has the opportunity to comment on the reporting and recordkeeping requirements.

Relevant Federal Rules Which May Duplicate, Overlap, or Conflict with the Interim Rule

There do not appear to be any existing relevant Federal rules which duplicate, overlap, or conflict with the interim rule.

Significant Alternatives

There are no significant alternatives since the interim rule merely passes through the requirements of the Anti-Kickback Act of 1986.

C. Determination to Issue an Interim Regulation

A determination has been made pursuant to 41 U.S.C. 418b(d), under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator of the National Aeronautics and Space Administration to issue the regulation in FAC 84-24 as an interim regulation. This action is necessary in order to implement the Anti-Kickback Act of 1986 (41 U.S.C. 51-58) by the statutory effectivity date.

D. Paperwork Reduction Act

The information collection requirements in this rule have been submitted for approval to the Office of Management and Budget (OMB) as required by 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 3, 9, and 52

Government procurement.

Dated: February 24, 1987.

Lawrence J. Rizzi,
Director, Office of Federal Acquisition and Regulatory Policy.

Federal Acquisition Circular

Unless otherwise specified, all Federal Acquisition Regulations (FAR) and other directive material contained in FAC 84-24 is effective February 6, 1987.

Eleanor R. Spector,
Deputy Assistant Secretary of Defense for Procurement.

Unless otherwise specified, all Federal Acquisition Regulations (FAR) and other directive material contained in FAC 84-24 is effective February 6, 1987.

Terence C. Golden,
Administrator.
February 24, 1987.

Unless otherwise specified, all Federal Acquisition Regulations (FAR) and other directive material contained

in FAC 84-24 is effective February 6, 1987.

S.J. Evans,

Assistant Administrator for Procurement.

Item I—Anti-Kickback Enforcement Act of 1986

Federal Acquisition Regulation 3.502, 9.406-1, and 52.203-7 are being revised to implement the Anti-Kickback Act of 1986 (41 U.S.C. 51-58). The Act was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. The Act requires each contracting agency to include in all contracts a requirement that the contractor shall (a) have in place and follow reasonable procedures designed to prevent and detect violations of the Act; and (b) cooperate with any Federal agency investigating a violation of the Act. This requirement is effective in all solicitations issued on or after February 6, 1987.

Therefore, 48 CFR Parts 3, 9, and 52 are amended as set forth below.

1. The authority citation for 48 CFR Parts 3, 9, and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).9

PART 3—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. Section 3.503 is revised and sections 3.501-1 through 3.502-3 are added to read as follows:

3.502 Subcontractor kickbacks.

3.502-1 Definitions.

"Kickback," as used in this section, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

"Person," as used in this section, means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

"Prime contract," as used in this section, means a contract or contractual action entered into by the United States for the purpose of obtaining supplies, materials, equipment, or services of any kind.

"Prime Contractor employee," as used in this section, means any officer, partner, employee, or agent of a prime contractor.

"Subcontract," as used in this section, means a contract or contractual action entered into by a prime contractor or subcontractor for the purpose of obtaining supplies, materials, equipment, or service of any kind under a prime contract.

"Subcontractor," as used in this section, (a) means any person, other than the prime contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract, and (b) includes any person who offers to furnish or furnishes general supplies to the prime contractor or a higher tier subcontractor.

"Subcontractor employee," as used in this section, means any officer, partner, employee, or agent of a subcontractor.

3.502-2 General.

The Anti-Kickback Act of 1986 (41 U.S.C. 51-58) was passed to deter subcontractors from making payments and contractors from accepting payments for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or a subcontract relating to a prime contract. The Act—

(a) Prohibit any persons from—
(1) Providing, attempting to provide, or offering to provide any kickback;

(2) Soliciting, accepting, or attempting to accept any kickbacks; or

(3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to the United States.

(b) Imposes criminal penalties on any person who knowingly and willfully engages in the prohibited conduct addressed in paragraph (a) of this subsection.

(c) Provides for the recovery of civil penalties by the United States from any person who knowingly engages in such prohibited conduct and from any person whose employee, subcontractor, or subcontractor employee provides, accepts, or charges a kickback.

(d) Provides that—

(1) The contracting office may offset the amount of a kickback against monies owed by the United States to the prime contractor under the prime contract to which such kickback relates;

(2) The contracting officer may direct a prime contractor to withhold from any

sums owed to a subcontractor under a subcontract of the prime contract the amount of any kickback which was or may be offset against the prime contractor under paragraph (d)(1) of this section; and

(3) An offset under paragraph (d)(1) or a direction under paragraph (d)(2) of this section is a claim by the Government for the purposes of the Contract Disputes Act of 1978.

(e) Authorizes contracting officers to order that sums withheld under paragraph (d)(2) of this section be paid to the contracting agency, or if the sum has already been offset against the prime contractor, that is be retained by the prime contractor.

(f) Requires the prime contractor to notify the contracting officer when the withholding under paragraph (d)(2) of this section has been accomplished unless the amount withheld has been paid to the Government.

(g) Requires a prime contractor or subcontractor to report in writing to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Department of Justice any possible violation of the Act when the prime contractor or subcontractor has reasonable grounds to believe such violation may have occurred.

(h) Provides that, for the purpose of ascertaining whether there has been a violation of the Act with respect to any prime contract, the General Accounting Office and the inspector general of the contracting agency, or a representative of such contracting agency designated by the head of such agency if the agency does not have an inspector general, shall have access to and may inspect the facilities and the audit books and records, including any electronic data or records, of any prime contractor or subcontractor under a prime contract awarded by such agency.

(i) Requires each contracting agency to include in each prime contract a requirement that the prime contractor shall—

(1) Have in place and follow reasonable procedures designed to prevent and detect violations of the Act in its own operations and direct business relationships; and

(2) Cooperate fully with any Federal agency investigating a possible violation of the Act.

3.502-3 Contract clause.

The contracting officer shall insert the clause at 52.203-7, Anti-Kickback Procedures, in all solicitations and contracts.

PART 9—CONTRACTOR QUALIFICATIONS

3. Section 9.406-1 is amended in paragraph (a) by adding a third sentence to read as follows:

9.406-1 General.

(a) * * * In this connection, the supplying of information by the contractor to the Government pursuant to the Anti-Kickback Act of 1986 (see 3.502) shall be favorable evidence of the contractor's responsibility.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

4. Section 52.203-7 is added to read as follows:

52.203-7 Anti-Kickback Procedures.

As prescribed in 3.502-3, insert the following clause:

Anti-Kickback Procedures (Feb. 1987)

(a) Definitions.

"Kickback," as used in this clause, means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime Contractor, prime Contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

"Person," as used in this clause, means a corporation, partnership, business association of any kind, trust, joint-stock company, or individual.

"Prime contract," as used in this clause, means a contract or contractual action entered into by the United States for the purpose of obtaining supplies, materials, equipment, or services of any kind.

"Prime Contractor employee," as used in this clause, means any officer, partner, employee, or agent of a prime Contractor.

"Subcontract," as used in this clause, means a contract or contractual action entered into by a prime Contractor or subcontractor for the purpose of obtaining supplies, materials, equipment, or services of any kind under a prime contract.

"Subcontractor," as used in this clause, (1) means any person, other than the prime Contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract, and (2) includes any person who offers to furnish or furnishes general supplies to the prime Contractor or a higher tier subcontractor.

"Subcontractor employee," as used in this clause, means any officer, partner, employee, or agent of a subcontractor.

(b) The Anti-Kickback Act of 1986 (41 U.S.C. 51-58) (the Act), prohibits any person from—

(1) Providing or attempting to provide or offering to provide any kickback;

(2) Soliciting, accepting, or attempting to accept any kickback; or

(3) Including, directly or indirectly, the amount of any kickback in the contract price charged by a prime Contractor to the United States or in the contract price charged by a subcontractor to a prime Contractor or higher tier subcontractor.

(c)(1) The Contractor shall have in place and follow reasonable procedures designed to prevent and detect possible violations described in paragraph (b) of this clause in its

own operations and direct business relationships.

(2) When the Contractor has reasonable grounds to believe that a violation described in paragraph (b) of this clause may have occurred, the Contractor shall promptly report in writing the possible violation. Such reports shall be made to the inspector general of the contracting agency, the head of the contracting agency if the agency does not have an inspector general, or the Department of Justice.

(3) The Contractor shall cooperate fully with any Federal agency investigating a possible violation described in paragraph (b) of this clause.

(4) Regardless of the contract tier at which a kickback was provided, accepted, or charged under the contract in violation of paragraph (b) of this clause, the Contracting Officer may—

(i) Offset the amount of the kickback against any monies owed by the United States under this contract and/or (ii) direct that the Contractor withhold from sums owed the subcontractor, the amount of the kickback. The Contracting Officer may order that monies withheld under subdivision (c)(4)(ii) of this clause be paid over to the Government unless the Government has already offset those monies under subdivision (c)(4)(i) of this clause. In the latter case, the Contractor shall notify the Contracting Officer when the monies are withheld.

(5) The Contractor agrees to incorporate the substance of this clause, including this subparagraph (c)(5), in all subcontracts under this contract.

[FR Doc. 87-4219 Filed 2-26-87; 8:45 am]

BILLING CODE 6820-61-M