

results of the review process on or about May 15, 1991. Funded proposals will be subject to periodic reporting and evaluation requirements.

Dated: February 27, 1991.

William P. Glade,

Associate Director, Bureau of Educational
and Cultural Affairs.

[FR Doc. 91-5529 Filed 3-7-91; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 56, No. 46

Friday, March 8, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10:00 a.m., March 18, 1991.

PLACE: 5th Floor, Conference Room, 805 Fifteenth Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the February 19, 1991, Board meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review new audit report.

CONTACT PERSON FOR MORE

INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523-5660.

Dated: March 5, 1991.

Francis X. Cavanaugh,
Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 91-5656 Filed 3-6-91; 12:29 pm]

BILLING CODE 6760-01-M

Test Case Report

Friday
March 8, 1991

Part II

Supplement to the Guide to Record Retention Requirements in the CFR

Revised as of January 1, 1991

SUPPLEMENT TO THE GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR

This Supplement published by the Office of the Federal Register, updates as of January 1, 1991, the edition of the Guide published in 1989.

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 tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide published in 1989 was revised as of January 1, 1989. This Supplement updates the Guide as of January 1, 1991. The changes indicated in brackets occurred in 1990, unless otherwise noted. 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, 1989, through December 31, 1990. It was prepared under the direction of Richard L. Claypoole. Gladys Queen Ramey was chief editor. INQUIRIES, telephone 202-523-3187. SUGGESTIONS concerning this publication may be sent to Martha L. Girard, Director, Office of the Federal Register, National Archives and Records Administration, Washington, D.C. 20408.

Coverage

In preparing both the Guide and the Supplement it was necessary to establish boundaries in order to keep it within its 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 the Code of 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 businesses.

(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, 1991.

LIST OF AGENCIES AND CFR TITLES APPEARING IN THIS SUPPLEMENT

Title 7—Agriculture

Agriculture Department
Agricultural Marketing Service
Agricultural Stabilization and Conservation Service
Animal and Plant Health Inspection Service
Commodity Credit Corporation
Farmers Home Administration
Federal Crop Insurance Corporation
Food and Nutrition Service
Foreign Agricultural Service
Rural Electrification Administration

Title 9—Animals and Animal Products

Agriculture Department
Animal and Plant Health Inspection Service
Packers and Stockyards Administration

Title 10—Energy

Energy Department
Nuclear Regulatory Commission

Title 11—Federal Elections

Federal Election Commission

Title 12—Banks and Banking

Federal Deposit Insurance Corporation
Federal Housing Finance Board
Federal Reserve System
National Credit Union Administration

Oversight Board

Resolution Trust Corporation
Treasury Department
Thrift Supervision Office

Title 13—Business Credit and Assistance

Small Business Administration

Title 14—Aeronautics and Space

Transportation Department
Federal Aviation Administration

Title 15—Commerce and Foreign Trade

Commerce Department
Export Administration Bureau
International Trade Administration
National Oceanic and Atmospheric Administration

Title 17—Commodity and Securities Exchanges

Commodity Futures Trading Commission
Securities and Exchange Commission

Title 18—Conservation of Power and Water Resources

Energy Department
Federal Energy Regulatory Commission

Title 19—Customs Duties

Treasury Department
Customs Service

Title 20—Employees' Benefits

Labor Department
Employment and Training Administration

Title 21—Food and Drugs

Health and Human Services Department
Food and Drug Administration
Justice Department
Drug Enforcement Administration

Title 22—Foreign Relations

International Development Cooperation Agency
Agency for International Development
State Department

Title 24—Housing and Urban Development

Housing and Urban Development Department

Title 26—Internal Revenue

Treasury Department
Internal Revenue Service

Title 27—Alcohol, Tobacco Products and Firearms

Treasury Department
Alcohol, Tobacco and Firearms Bureau

Title 29—Labor

Labor Department
Occupational Safety and Health Administration
Pension Benefit Guaranty Corporation
Wage and Hour Division

Title 30—Mineral Resources

Interior Department
Minerals Management Service
Labor Department
Mine Safety and Health Administration

Title 31—Money and Finance: Treasury

Treasury Department
Foreign Assets Control Office
Monetary Offices

Title 33—Navigation and Navigable Waters

Transportation Department
Coast Guard

Title 34—Education

Education Department

Title 38—Pensions, Bonuses, and Veterans' Relief

Veterans Affairs Department

Title 40—Protection of Environment

Environmental Protection Agency

Title 42—Public Health

Health and Human Services Department
Health Care Financing Administration
Public Health Service

Title 43—Public Lands: Interior

Interior Department
Office of the Secretary

Title 44—Emergency Management and Assistance

Federal Emergency Management
Agency

Title 45—Public Welfare

Health and Human Services Department
Child Support Enforcement Office
Family Assistance Office

Title 46—Shipping

Transportation Department
Coast Guard

Title 47—Telecommunication

Federal Communications Commission

Title 48—Federal Acquisition Regulations System

Defense Department
General Services Administration
National Aeronautics and Space
Administration
Panama Canal Commission
Personnel Management Office

Title 49—Transportation

Interstate Commerce Commission
Transportation Department
Federal Highway Administration
Federal Railroad Administration
Office of the Secretary
National Highway Traffic Safety
Administration
Research and Special Programs
Administration
Urban Mass Transportation Administration

Title 50—Wildlife and Fisheries

Commerce Department
National Oceanic and Atmospheric
Administration
Interior Department
Fish and Wildlife Service

AGRICULTURE DEPARTMENT**Food and Nutrition Service****7 CFR****225.6 State agencies participating in the summer food service program.**

(a) To maintain the written records on each hearing for families wishing to appeal a denial of an application for free meals. Such records shall include the action being appealed, any documentary evidence and a summary of oral testimony presented at the hearing, the decision and the reasons for the decision, and a copy of the notice sent to the family.

Retention period: 3 years following the conclusion of the hearing during which it shall be available for examination by the family or its representatives at any reasonable time and place.

(b) To maintain on file documentation of site visits and reviews in accordance with 7 CFR 225.15(d)(2) and (3).

(c) To maintain all accounts and records pertaining to the Program. Such records and accounts shall be made available to State, Federal, or other authorized officials for audit or administrative review, at a reasonable time and place.

Retention period: 3 years after the end of the fiscal year to which records pertain, unless audit or investigative findings have not been resolved, in which case the records shall be retained until all issues raised by the audit or investigation have been resolved.

225.6 Food service management companies participating in the summer food service program.

To maintain such records (supported by invoices, receipts, or other evidence) as the sponsor will need to meet its responsibilities under this Part 225.

Retention period: 3 years from date of receipt of final payment under the contract, except that is audit or investigation findings have not been resolved, such records shall be retained until all issues raised by the audit or investigation have been resolved.

225.8 State agencies participating in the summer food service program for children.

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

Retention period: 3 years after the date of submission of the final Program

Operations and Financial Status Report (SF-269), or beyond 3 years until resolution of any audit questions.

(b) To also retain a complete record of each review or appeal conducted as required under 7 CFR 225.13.

Retention period: 3 years following the date of the final determination on the review or appeal.

225.9 Service institutions participating in the summer food service program for children.

To maintain records to support claims for reimbursement. See also 7 CFR 225.8.

225.10 State agencies participating in the summer food service program.

To maintain records, including records of the receipt and expenditures of funds for audit and management evaluations.

Retention period: Until all issues raised by the audit and investigation have been resolved.

225.11 State agencies participating in the summer food service program.

To maintain in file all evidence relating to investigations of and actions on complaints received or irregularities noted in connection with the operation of the Program.

225.13 State agencies participating in the Summer Food Service Program for children.

To maintain records regarding each appeal review. Such records shall document compliance with applicable regulations and shall include the basis for decision.

225.15 Service institutions participating in the summer food service program.

(a) To maintain records of participation and of preparation of ordering of meals to demonstrate positive action toward meeting objective of providing only one meal per child at each meal service.

(b) To maintain accurate records which justify all costs and meals claimed.

Retention period: Records shall be available at all times for inspection and audit by representatives of the Secretary, the Comptroller General of the United States, and state agencies for a period of three years following the date of submission of the final claim for reimbursement for the fiscal year.

225.16 Service institutions participating in the summer food service program for children.

(a) To maintain a copy of the documentation establishing the eligibility of each child receiving meals under the Program at camps.

(b) To maintain on file statements from a recognized medical authority recommending alternative foods for participating children who are unable, because of medical or other special dietary needs, to consumed approved meals.

225.19 Participants in the summer food service program for children. [Revised, 1989; new amendment contained no record retention requirements]

250.30 Distributing agencies, subdistributing agencies, or recipient agencies entering into contracts for the processing and labeling of donated foods.

(a) To maintain documentation in accordance with 7 CFR 250.16 when substituting donated foods with commercial foods.

(b) To retain invoices from recipient agencies when end products are sold through a discount system.

274.3 State agencies participating in the food stamp program.

To maintain and keep current a master issuance file which is a composite of issuance records of all certified food stamp households.

Retention period: 3 years from the month of origination. The period may be extended at the written request of the Food and Nutrition Service.

274.6 State agencies participating in the food stamp program.

(a) To maintain the signed household statement of nonreceipt of authorization document or coupons in the case records.

(b) To maintain, in readily identifiable form, a record of the replacements granted to the household, the reason, the month, countable as defined in 7 CFR 274.6(b)(2)(iv). The record may be a case action sheet maintained in the case file, notations on master issuance file, if readily accessible, or a document maintained solely for this purpose.

Retention period: 3 years from the month of origination. This period may be extended at the written request of the Food and Nutrition Service.

274.7 State agencies participating in the food stamp program.

To maintain records of (a) authorization document and coupons that are undeliverable or returned; (b) specimen coupon received; and (c) to retain a copy of the request to Food and Nutrition Service for permission to destroy unusable coupons.

274.7 States participating in temporary emergency food assistance for victims of major disasters. [Removed, 1989]

274.7 States participating in temporary emergency food assistance for victims of other than major disasters. [Removed, 1989]

274.11 State agencies participating in the food stamp program.

To maintain issuance and reconciliation records which include, at a minimum, notices of change, HIR cards, inventory documents, Forms FNS-250 and substantiating documents, cashiers daily reports, receptionist daily tally sheets, master issuance files, the records for issuance for each month, and issuance systems.

Retention period: 3 years from the month of origination. The period may be extended at the written request of the Food and Nutrition Service.

276.2 State agencies participating in the food stamp program.

To maintain monthly records which detail the computation of reimbursement amounts reported on the Form FNS-209 for audit purposes.

Animal and Plant Health Inspection Service

7 CFR

318.13-4g Papaya irradiation processors.

To maintain records that include the lot identification, scheduled process, evidence of compliance with the scheduled process, ionizing energy source, source calibration, dosimetry, dose distribution in the product, and the date of irradiation.

Retention period: For a period of time that exceeds the shelf life of the irradiated food product by 1 year.

Federal Crop Insurance Corporation

7 CFR

401.117 Insured under FCIC (Soybean).

For each proposed unit, to maintain written verifiable records of planted acreage and harvested production.

Retention period: At least the previous crop year.

401.118 Insured under FCIC (Canning and processing bean). [Added]

For each proposed unit, to maintain written, verifiable records of planted acreage and harvested production.

Retention period: For at least the previous crop year.

401.119 Insured under FCIC (Cotton).

To maintain written, verifiable records of planted acreage and harvested production.

Retention period: For at least the previous crop year.

401.120 Insured under FCIC (Rice).

To maintain written verifiable records of planted acreage and harvested production.

Retention period: At least the previous crop year.

401.121 Insured under FCIC (Extra long staple cotton).

To maintain written, verifiable records of planted acreage and harvested production.

Retention period: For at least the previous crop year.

401.129 Insured under FCIC (Tobacco).

To maintain written verifiable records of planted acreage and harvested production.

Retention period: For at least the previous crop year.

401.139 Insured under FCIC (Fresh market tomato—Dollar Plan). [Added]

To maintain written, verifiable records of planted and harvested acreage and production for each optional unit.

401.140 Insured under FCIC (Pear).

To maintain written verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

401.146 Insured under FCIC (Fresh plum). [Added]

To maintain written, verifiable records of acreage and harvested production.

Retention period: For at least the previous crop year.

Agricultural Stabilization and Conservation Service

7 CFR

723.313 Warehouse operators handling barley or flue-cured, dark air-cured, or Virginia sun-cured tobacco. [Added]

To make and keep records that will ensure separate accounting and reporting of each such kinds of tobacco quota and nonquota sold for auction over the warehouse floor.

Retention period: 3 years after the end of the marketing year.¹

723.403 Auction warehouse operators handling burley and flue-cured tobacco. [Added]

To keep separate records of (a) marketing (auction or nonauction sales

¹ Or for such longer period of time as may be requested in writing by the State ASCS Executive Director or the Director.

and purchases and resale of tobacco); (b) tobacco sales bills; (c) marketing card until the producer has been paid for the sales of the tobacco or the tobacco is removed from the warehouse by the producer at which time the marketing card shall be returned to the producer; (d) suspended sale and the sum of tobacco pounds sold; and (e) other such information as specified in cited section.

Retention period: 3 years after the end of the marketing year.¹

723.404 Dealers handling all kinds of tobacco except cigar tobacco. [Added]

To keep by kinds of tobacco, records of marketings, sales, nonauction purchases, and purchases and resales.

Retention period: 3 years after the end of the marketing year.¹

723.411 Firms engaged in storing unprocessed tobacco. [Added]

To keep records with respect to each lot received showing the name and address of producer, dealer, warehouse operator, marketing agent, or other person for whom the tobacco is received; the date and receipt of the tobacco; the number of pounds received; the amount of any advance or loan made by such firm; the disposition of the tobacco; and the person to whom delivered and the pounds involved.

Retention period: 3 years after the end of the marketing year.¹

723.411 Firms engaged in the business of processing tobacco. [Added]

To keep records with respect to each lot received showing the name and address of producer, dealer, warehouse operator, or other person for whom the tobacco was received; the date of receipt of tobacco; the number of pounds (green weight) received; the purpose for which tobacco was received (redrying or stemming); the amount of any advance or loan made by such person on the tobacco; the disposition of the tobacco including the net weight of the tobacco processed and the number of containers by classification (strips, stems, scrap or leaf); and the person to whom delivered and pounds involved.

Retention period: 3 years after the end of the marketing year.¹

723.411 Truckers hauling, processing, and storing tobacco. [Added]

To keep records as will enable such trucker to furnish the State ASCS office a report with respect to each lot of tobacco received showing the name and address of the producer; the date of receipt of the tobacco; the number of pounds received; the location where received; and the name and address of the person to whom it was delivered.

Retention period: 3 years after the end of the marketing year.¹

723.412 Persons engaged in tobacco related businesses. [Added]

To keep such records as will enable persons to make separate reports for each such business in which such persons are engaged to the same extent for each business as if the persons were engaged in no other business.

Retention period: 3 years after the end of the marketing year.¹

723.413 Warehouse operators, processors, buyers, dealers, truckers, or persons engaged in tobacco related businesses. [Added]

To keep records on a marketing year that are required by 7 CFR Part 723, Subpart D.

Retention period: 3 years after the end of the marketing year.¹

723.415 Warehouse operator, processors, dealers, buyers, truckers, or persons engaged in the business of sorting, redrying, stemming, picking, or otherwise processing tobacco for producers. [Added]

To maintain books, papers, records, adjustment invoices, accounts, canceled checks, check registers, check stubs, correspondence, contracts, documents, warehouse bill-out invoices or daily summary journal sheet, the tissue copy of Form MQ-72-1, Report of Tobacco Auction Sale, journal of producer marketing cards retained at warehouse. These records shall be available at one place for examination by representatives of the State ASCS executive director and by employees of the Office of Investigation and Office of Audit, and of the Tobacco and Peanuts Division of the ASCS, Agriculture Department upon written request by the State ASCS executive director.

Retention period: 3 years after the end of the marketing year.¹

724.95 Producers and producer-manufacturers of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco. [Removed]

724.96 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-

cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Removed]

724.97 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Removed]

724.99 Cigar tobacco buyers and loan organizations. [Removed]

724.99 Dealers handling burley, fire-cured, dark air-cured, Virginia air-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Removed]

724.100 Cigar tobacco buyers and loan organizations. [Removed]

724.101 Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco. [Removed]

724.102 Persons engaged in more than one business relating to tobacco. [Removed]

725.98 Producers of flue-cured and burley tobacco. [Removed]

725.99 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Removed]

725.100 Dealers handling burley, fire-cured, dark air-cured, Virginia air-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Removed]

725.103 Firms acting as marketing agents or processors for processed producer carryover tobacco. [Removed]

725.103 Firms storing processed or unprocessed producer owned tobacco. [Removed]

725.104 Firms storing processed or unprocessed producer owned tobacco. [Removed]

725.105 Truckers and firms redrying, prizing, or stemming flue-cured and burley tobacco, and storage firms. [Removed]

725.106 Persons engaged in more than one business relating to tobacco. [Removed]

725.115 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Removed]

726.92 Producers of fire-cured and burley tobacco. [Removed]

¹ Or for such longer period of time as may be requested in writing by the State ASCS Executive Director or the Director.

726.93 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and fire-cured tobacco. [Removed]

726.94 Dealers handling burley, fire-cured, dark air-cured, Virginia air-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Removed]

726.96 Truckers and firms redrying, prizing, or stemming fire-cured and burley tobacco, and storage firms. [Removed]

726.97 Persons engaged in more than one business relating to tobacco. [Removed]

726.105 Firms acting as marketing agents or processors for processed producer carryover tobacco. [Removed]

726.105 Firms storing processed or unprocessed producer owned tobacco. [Removed]

726.106 Firms storing processed or unprocessed producer owned tobacco. [Removed]

Agricultural Marketing Service

7 CFR

918.71 Handlers of fresh peaches grown in Georgia. [Added]

To maintain complete records which accurately show the quantity held, sold, and shipped.

Retention period: Not less than 2 years subsequent to the termination of each fiscal period.

955.60 Vidalia onion handlers. [Revised]

To maintain records of the Vidalia onions received and disposed of as may be necessary to verify reports submitted to the committee.

Retention period: At least 2 succeeding years.

982.453 Applicants (crushers, livestock feed manufacturers, and livestock feeders) purchasing substandard filberts/hazelnuts or filbert/hazelnut waste.

To maintain a record of receipts, holdings, and use of substandard filberts/hazelnuts available for examination by authorized representatives of the Board and the Department of Agriculture.

Retention period: 3 years after the end of the marketing year in which the recorded transactions are completed.

982.471 Filbert/hazelnut handlers.

(a) To maintain complete and accurate records showing the receipt, shipment, and sale of all filberts/hazelnuts handled, used or otherwise disposed of.

(b) To also maintain a current record of all filberts/hazelnuts held in inventory.

Retention period: 2 years—period as prescribed in 7 CFR 982.71

997.53 Peanut handlers. [Added]

To maintain such records of peanuts received, held and disposed of that will substantiate any required reports and will show performance.

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

998.43 Peanut handlers.

To maintain records of peanuts received, held and disposed of, as will substantiate any required reports and will show performance under marketing agreement.

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

1210.350 Watermelon handlers.

To maintain a record with respect to each producer for whom watermelon was handled and produced.

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

1210.351 Watermelon handlers.

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

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

1210.530 Watermelon handlers. [Added]

To maintain one copy of each report made to the Board on the handling and disposition of exempted watermelons and such records as are necessary to verify such reports.

Retention period: 2 years beyond the marketing year of their applicability.

1250.352 Egg handlers. [Redesignated as 1250.353]

To maintain books and records necessary to carry out the provisions of the Egg Research and Consumer Information Act and to verify required reports.

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

Commodity Credit Corporation

7 CFR

1475.13 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the livestock feed program. [Redesignated, 1989; as 1475.14]

1475.14 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the livestock feed program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation).

Foreign Agricultural Service

7 CFR

1530.109 Licensees exporting refined sugar requesting credit in accordance with 7 CFR 1530.107(b). [Added]

To keep records on the quantity and identity of the sugar, raw value entered under subheading 1701.11.02 of the HTS; the date or inclusive dates of processing (refining); the quantity and description of the articles produced and their polarities; the quantity of sugar refined basis, exported and transferred to a manufacturer and the identity of such manufacturer; the country of destination, foreign consignee, date of export, port, export carrier and any agent used in connection with the export and all documents relating to such exportation, including but not limited to any contract, invoice, bill of lading, dock receipt, ship's manifest, or copies thereof; and any drawback entry, including all related documents, filed by the licensee or any other person for a refund, as drawback, of any customs duties paid on the importation of any sugars, syrups, or molasses.

Retention period: At least 5 years after a license is credited for the exportation or transfer of the refined sugar.

1530.208 Licensees exporting sugar containing products requesting credit in accordance with 7 CFR 1530.206(b). [Added]

To keep records of the date or inclusive dates of manufacture; the quantity and identity of the sugar, refined basis, transferred to the licensee; the quantity and description of the articles manufactured; the quantity of sugar, refined basis, contained in the sugar containing products exported; the country of destination, foreign consignee, date of export, port, export carrier, and any agent used in connection with the export and all

documents relating to such exportation, including but not limited to any contract, invoice, bill of lading, dock receipt, ship's manifest or copies thereof; any drawback entry, including all related documents filed by the licensee or any other person for a refund, as drawback, of any customs duties paid on the importation of any sugars, syrups, or molasses.

Retention period: 5 years after a license is credited for the exportation of the sugar containing product.

1530.208 Licensees requesting credit for valueless sugar lost in normal product manufactured, destroyed, or otherwise disposed of. [Added]

To keep records to establish the quantity of valueless sugar lost, disposed of, or destroyed.

Retention period: 5 years after a license is credited for the exportation of the sugar containing product.

1530.210 Sugar containing products manufacturers. [Revised; new amendment contained no record retention requirements]

1530.308 Licensees importing sugar and producing polyhydric alcohols requesting credit in accordance with 7 CFR 1530.306(b). [Added]

To keep records of the quantity and identity of the sugar imported by the licensee; the quantity and description of the polyhydric alcohols manufactured and the date or inclusive dates of manufacture; the quantity of sugar actually used in the production (other than by distillation) of polyhydric alcohols, except polyhydric alcohols for use as a substitute for sugar in human food consumption; and if any polyhydric alcohols have been exported, the country of destination, foreign consignee, date of export, port, export carrier and any agent used in connection with the export and all documents relating to such exportation, including but not limited to any contract, invoice, bill of lading, dock receipt, ship's manifest, or copies thereof; and all drawback entries, if any, including all related documents, filed by the licensee or any other person, for a refund, as drawback, of any customs duties paid on the importation of any sugars, syrups, or molasses.

Retention period: At least 5 years after a license is credited for the production of the polyhydric alcohol.

Rural Electrification Administration 7 CFR

1715.25 Borrowers of insured or guaranteed electric loans under the RE Act.

To maintain accurate records containing all investments, loans, and guarantees.

Retention period: Not specified.

1765.47 Borrowers, engineers, and construction supervisors for outside plant major construction by force account method with REA loan funds. [Added]

(a) To maintain records on all expenditures for materials, labor, transportation, and other costs of construction, in order that all costs may be fully accounted for upon completion of construction.

(b) To maintain accurate and current inventories of completed construction.

Retention period: Not specified.

1765.70 Borrowers for minor construction of telecommunications facilities using REA loan funds. [Added]

To maintain accounting and plant records sufficient to document the cost and location of all construction and to support loan fund advances and disbursements.

Retention period: Not specified.

Part 1770 REA telephone borrowers. [Added]

(a) To maintain accounts, records and memoranda in such a manner as to fully support the journal entries to which they relate. The books and records referred herein shall include records of a nontechnical nature such as minute books, stock, and membership records, reports, correspondence, and memoranda.

(b) To maintain continuing property records which detail the date of placement, location, description of property, and the original cost of property record units. The continuing property records and other underlying records of construction costs shall be maintained so that upon retirements, units or minor items without replacement when not included in the costs of retirement units, the actual cost of the plant retired can be determined.

Farmers Home Administration 7 CFR

1940.911 Persons influencing the making of an FmHA housing loans and/or grant complying with the reporting and registration requirements. [Added]

To maintain records and documentation to support information contained in Forms FmHA 1940-39 and FmHA 1940-40.

Part 1944, Exhibit A Grantees conducting housing preservation programs benefiting very low-and low-income rural residents. [Removed, 1989]

Part 1944, Exhibit A to Subpart I Self-help Housing Technical Assistance Grantees. [Added]

To maintain financial records, supporting documents, statistical records, personnel records, and other records pertinent to grant agreement.

Retention period: 3 years after the termination or completion of the grant.

1948.47 Rural development grantees. [Removed, 1989]

1980.646 Grantees under the Nonprofit Corporations Loan and Grant Program. [Revised; new amendment contained no record retention requirements]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

9 CFR

2.35 Research facilities engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes.

To maintain Institutional Animal Care and Use Committee (IACUC) records, including minutes of the Committee meetings, records of any Committee activities and deliberations, records of proposed activities involving animals and proposed significant changes in those activities, the Committee's disposition of the proposed activity, and the Committee's reports of reviews and evaluation and any other records as specified in cited section.

Retention period: 3 years. Approved activity records—duration of the activity plus an additional 3 years after completion of the activity. All records must be available for inspection and copying by authorized APHIS or funding Federal agency representatives and must be retained pending completion of an investigation or proceeding under the Act.

2.75 Research facilities, exhibitors, operators of auction sales, carriers, intermediate handlers, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes.

To keep (a) records with respect to the purchase, sale, transportation, identification, and previous ownership; (b) records with respect to water quality tests for marine mammal facilities; and (c) necropsy reports and records for marine mammals that die in captivity.

Retention period: (a) 1 year or longer as may be required by any Federal, State, or local law; (b) 1 year; (c) 3 years.

2.76 Research facilities, exhibitors, operators of auction sales, carriers, intermediate handlers, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes.

See 2.75.

2.77 Research facilities, exhibitors, operators of auction sales, carriers, intermediate handlers, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes.

See 2.75.

2.78 Research facilities, exhibitors, operators of auction sales, carriers, intermediate handlers, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes. [Revised, 1989; new amendment contained no record retention requirements]

2.81 Research facilities, exhibitors, operators of auction sales, carriers, intermediate handlers, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes. [Removed, 1989]

2.132 Dealers, exhibitors, research facilities, carriers, or intermediate handlers operating private or contract animal pounds or shelters.

To maintain accurate and complete records in accordance with 9 CFR 2.75 and 2.76, unless the animals are lost or stray. If animals are lost or stray, the pound or shelter records shall provide: (a) An accurate description of the animal; (b) how, where, from whom, and when the dog or cat was obtained; (c) how long the dog or cat was held by the pound or shelter before being transferred to the dealer; and (d) the date the dog or cat was transferred to the dealer.

Retention period: Not specified.

75.4 Owners of equine infectious anemia (EIA) reactors. [Added]

To maintain records relating to animals which are or have been in the stockyard.

Retention period: 1 year from the date the animal arrives at the stockyard.

92.11 Operators of quarantine facilities for imported birds. [Revised; record retention requirements in 92.106]

92.106 Operators of quarantine facilities for imported birds. [Added]

To maintain a current daily log and identification record for each lot of birds, recording such information as the general condition of the birds each day, source of origin of the birds in the lot, total number of birds in the lot when imported, number of dead birds when lot arrived, date lot was placed into the facility, number of deaths each day in the lot during the quarantine period, necropsy results, and laboratory findings on bird that died during the quarantine date of prescribed tests and results, and other such information as specified in cited section.

Retention period: 12 months following the date of release of the bird from quarantine. Records shall be made available to APHIS personnel upon request.

92.434 Supervisory veterinarians at privately operated quarantined facilities. [Added]

To maintain a current daily log for each sheet, recording such information as the individual identification of the sheep, source origin of the sheep in the lot, total number of sheep in the lot, total number of sheep in the lot when imported, number of dead or injured sheep when the lot arrived, the date the lot was placed into the facility, the general condition of the sheep each day, record of any medication administered to the sheep, number of deaths each day in the lot during quarantine period, and other such information as mentioned in cited section.

Retention period: 12 months following the date of the release of the sheep from quarantine. Such records shall be available to APHIS personnel upon request.

Packers and Stockyards Administration

9 CFR

203.4 Packers, live poultry dealers or handlers, stockyard owners and market agencies, and dealers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Accounts, records and memoranda to fully and correctly disclose all transactions involved in business, including the true ownership of such business by stockholding or otherwise.

(b) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from

others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage report (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

Retention period: (a) 2 years or longer if directed by the Administrator in writing, pending completion of any investigation or proceeding under the Act; (b) 1 year.

NUCLEAR REGULATORY COMMISSION

10 CFR

26.20 Licensees authorized to operate nuclear power industries; fitness-for-duty program.

To retain a copy of current written policy and procedures as a record.

Retention period: Until the Commission terminates each license for which the policy and procedures are superseded; superseded material must be retained for 3 years after each change.

26.29 Licensees authorized to operate nuclear power industries; fitness-for-duty program.

To maintain records (a system of files and procedures) on the protection of personal information.

Retention period: Until the Commission terminates each license for which the system was developed.

26.71 Licensees authorized to operate nuclear power industries (also each contractor and vendor implementing licensee approved program under the provision of 10 CFR 26.23); fitness-for-duty program.

(a) To retain records of inquiries conducted in accordance with 10 CFR 26.27(a) that result in the granting of unescorted access to protected areas.

Retention period: Until 5 years following examination of such access authorizations.

(b) To retain records of persons made ineligible for assignment to activities within the scope of Part 10 under the provisions of 10 CFR 26.27(b)(2), (3), (4) or (c).

Retention period: 3 years or longer or until the Commission terminates each license under which the records were created.

(c) To retain records of confirmed positive test results which are concurred in by the Medical Review Officer, and the related personnel actions.

Retention period: At least 5 years.

(d) To retain fitness-for-duty program performance data and analysis. Such data shall include random testing rate; drugs tested for and cut-off levels, including results of tests using lower cut-off levels and tests for other drugs; workforce populations tested; numbers of tests and results by populations; and such other information as specified in cited section.

Retention period: 3 years.

26.60 Licensees authorized to operate nuclear power industries; fitness-for-duty program.

To maintain documentation of the resolution findings and corrective actions on audit of the effectiveness of the program.

Retention period: 3 years.

30.34 Nonexempt licensees manufacturing, producing, transferring, receiving, acquiring, owning, possessing, or using byproduct material. [Amended]

(a) To maintain such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder.

Retention period: Unless otherwise specified by an appropriate regulation or license condition, until disposal is authorized by the Commission.

(b) To maintain results of each test of the generator eluates for molybdenum-99 breakthrough in accordance with 10 CFR 35.14(b)(4)(i) through (w).

Retention period: 3 years after the record is made.

(c) To maintain written directive made by the authorized user physician directing departures from the manufacturer's instructions in preparing radiopharmaceuticals and departures from package inserts for indication and method of administration for therapeutic use and record of the number of prescriptions dispensed under the departure in an auditable form.

Retention period: 5 years.

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

See 10 CFR 30.34.

35.300 Licensees for certain groups of medical uses of byproduct material.

See 10 CFR 30.34.

70.32 Licensees acquiring, delivering, receiving, possessing, using, transferring or receiving title to own special nuclear material.

To keep (a) such records of ownership, receipt, possession, use, and transfer of special nuclear material as may be incorporated as a condition or requirement in any license; (b) records of changes to the material control and accounting program made without prior Commission approval; (c) records of changes to the physical security plan made without prior Commission approval; (d) records of changes to licensee safeguards contingency plan made without prior Commission approval; (e) records of receipt, acquisition, or physical inventory of special nuclear material; (f) records of transfer of special nuclear material to other persons; (g) records of disposal of special nuclear material; (h) records of date and time of application of tamper-safing devices to containers or vaults; (i) material balance records for each material balance showing the quantity of element and fissile isotope in each component of the material balance; (j) a record summarizing the quantities of element and fissile isotope for ending inventory of material in process and additions and removals of material in process during material balance interval; (k) a record summarizing the quantities of element and fissile isotope in unopened receipts and ultimate products maintained under tamper-safing or in the form of sealed sources; (l) records needed to meet fundamental nuclear material controls requirements contained in 10 CFR 70.58, including (i) records which will provide information sufficient to locate special nuclear material and to close a measured material area and the total plant as specified in 10 CFR 70.51, (ii) records of results of review and audit of the nuclear material control system, and (iii) records of shipper-receiver difference evaluations, investigations, and corrective actions concerning special nuclear material received and shipped; (m) all data, information, reports, and documents generated by the measurement control program, including summary of error data utilized in limit of error calculations performed for each material balance period; and (n) records pertaining to training and qualification of personnel who perform measurement activities pursuant to 10 CFR 70.57(b)(7).

Retention period: (a) If not otherwise specified by regulation or license condition, until disposal is authorized by the Commission; (b) 5 years after date of change; (c) 3 years from date of change; (d) 3 years from date of change; (e) as long as licensee retains possession of

special nuclear material and for 3 years following transfer of special nuclear material; (f) until disposal is authorized by the Commission, or for 3 years for records required by 10 CFR 70.51(e)(1)(v) to document transfers of special nuclear material between material balance areas; (g) until disposal is authorized by the Commission; (h) if not otherwise specified by regulation or license condition, until disposal is authorized by the Commission; (i) 3 years; (j) 3 years; (k) 3 years; (l) and (l)(i) if not otherwise specified by regulation or license condition, until disposal is authorized by the Commission; (l)(ii) 3 years; (l)(iii) 3 years; (m) 3 years; (n) 3 years.

72.212 Licensees possessing, operating, or storing nuclear power reactors spent fuel in casks. [Added]

(a) To maintain a copy of the Certificate of Compliance and documents referenced in the certificate for each cask model used for storage of spent fuel, until use of the cask model is discontinued.

(b) To accurately maintain the record provided by the cask supplier for each cask that shows, in addition to the information provided by the cask vendor, the following: (1) The name and address of the cask vendor or lessor; (2) the listing of spent fuel stored in the casks; and (3) any maintenance performed on the cask.

Note: Record must include sufficient information to furnish documentary evidence that any testing and maintenance of the cask have been conducted under an NRC-approved quality assurance program. In the event that a cask is sold, leased, loan or otherwise transferred to another registered user, record must be transferred to and must be accurately maintained by the new registered user. This record must be maintained by the current cask user during the period that the cask is used for storage of spent fuel and retained by the last user until decommissioning of the cask is completed.

72.234 Cask vendors fabricating each cask under the NRC Certificate of Compliance. [Added]

To maintain records that include the NRC Certificate of Compliance number; the cask model number; the cask identification number; date fabrication was started; date fabrication was completed; certification that the cask was designed, fabricated, tested, and repaired in accordance with a quality assurance program accepted by NRC; certification that inspections required by 10 CFR 72.236(j) were performed and

found satisfactory; and the name and address of the cask user.

Note: The original of this record must be supplied to the cask user. A current copy of a composite record of all casks manufactured under a Certificate of Compliance, showing the above information, must be initiated and maintained by the cask vendor for each model cask. If the cask vendor permanently ceases production of casks under a Certificate of Compliance, this composite record must be sent to the Commission using instructions in 10 CFR 72.4.

ENERGY DEPARTMENT

10 CFR

430.62 Manufacturers of covered products subject to energy conservation standards.

To maintain records of the underlying test data for all certification testing. Such records should include the supporting test data associated with tests performed on and any test units to satisfy applicable requirements.

Retention period: 2 years from the date that production of the applicable model has ceased.

430.71 Manufacturers of covered products subject to energy conservation standards.

To maintain records that demonstrate that modifications have been made to all units of the new basic model prior to distribution in commerce to make noncompliance basic model comply with applicable performance standards.

Retention period: Not specified.

FEDERAL ELECTION COMMISSION

11 CFR

104.10 Political committees required to report expenses allocated among candidates and activities. [Added]

To retain all documents supporting the allocation and allocated disbursement on behalf of specific federal and non-federal candidates, in accordance with 11 CFR 104.14.

Retention period: 3 years.

FEDERAL RESERVE SYSTEM

12 CFR

202.12 Federal Home Loan Bank members.

In regards to business credit applications:

(a) To maintain in original form or a copy thereof: (1) any written or recorded information concerning the adverse action and (2) any written statement submitted by the applicant alleging a violation of the Equal Opportunity Act.

(b) To retain records in accordance with the new law on credit applications involving businesses with gross revenue of \$1 million or less.

Retention period: For 25 months (12 months for business credit) after the date that a creditor notifies an applicant of action taken on an application.

(c) To maintain at each association "decision center" loan application registers containing at a minimum certain data specified in the regulation.

Retention period: 25 months after date that a creditor notifies an applicant of action taken on the application.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR

325.5 Management of saving associations. [Added]

To maintain written record of the quarterly review of the book value of the purchased mortgage servicing rights.

TREASURY DEPARTMENT

Thrift Supervision Office

12 CFR

571.19 Insured institutions.

To maintain records of securities in accordance with generally accepted accounting practices and to support via documentation the appropriate classification of and accounting for securities in accordance with generally accepted accounting principles. To also document investment policy and strategies.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR

724.1 Federal credit unions acting as trustees and custodians of pension plans. [Added]

To maintain individual records for each participant which show in detail all transactions relating to the funds of each participant or beneficiary.

749.1 Federal credit unions participating in the establishment and maintenance of a records preservation program. [Added]

See 12 CFR 749.2.

FEDERAL HOUSING FINANCE BOARD

12 CFR

933.16 Federal Home Loan Bank members. [Removed]

933.31 Federal Home Loan Bank members other than FDIC savings banks. [Removed]

937.7 Federal Home Loan Bank members participating in the housing opportunity allowance program.

To retain a copy of each allowance application and the originals of all other closing documents.

Retention period: Not specified.

938.8 Federal Home Loan Bank members. [Removed]

939.6 Federal Home Loan Bank members receiving Federal financial assistance from the Federal Home Loan Bank Board.

To keep such records as the Bank Board may determine to be necessary to enable it to ascertain whether the recipient is complying with the regulation.

Retention period: Not specified.

OVERSIGHT BOARD

12 CFR

1506.6 Independent contractors. [Added]

To retain sufficient information that will permit the Board to make a determination regarding organizational conflicts of interest.

Retention period: 3 years following termination of expiration of the contract and shall be made available for review upon request, except to the extent that the disclosure is prohibited by law.

RESOLUTION TRUST CORPORATION

12 CFR

1606.6 Independent contractors. [Added]

See 12 CFR 1505.6.

SMALL BUSINESS ADMINISTRATION

13 CFR

115.7 Preferred Surety Bond Program (PSB) sureties.

To maintain all information and certifications required by SBS including a contemporaneous record of the date of issuance of each bond, in its file, for inspection by SBA or its agents and for submission to SBA in connection with claims made under SBA's guarantee.

Retention period: For the term of each bond, plus such additional time as may be required to settle claims for which the surety may seek recovery from SBA or attempt salvage or other recovery and for an additional 3 years thereafter.

115.17 Surety attorneys, contractors and subcontractors participating in the Surety Bond Guarantee (SBG) program. [Removed, 1989; record retention requirements now in 115.40]

115.18 Preferred Surety Bond Program (P^{CB}) sureties.

To maintain all documents, files, books, records, tapes, disks, and other material relevant to the surety bond guarantee, commitments to guarantee a surety bond, or agreements to indemnify the surety and other information as specified in cited section.

Retention period: For the term of each bond, plus such additional time as may be required to settle claims for which the surety may seek recovery from SBA or attempt salvage or other recovery and for an additional three years thereafter.

115.40 Surety attorneys, contractors and subcontractors participating in the Surety Bond Guarantee (SBC) program.

To maintain (a) the bond agreements; (b) all documentation submitted by the principal in applying for the bond; (c) all information gathered by the surety in reviewing the principal's application; (d) all documentation of any breach by the principal; (e) all records of any transactions for which surety makes payment pursuant to the bond, including but not limited to, copies of all claims, bills, judgments, settlement agreements, and courts or arbitration decisions, contracts and receipts; (f) all documentation relating to efforts to mitigate losses; and (g) records of any accounts to which fees and funds obtained in mitigation of losses have been paid, and from which payments have been made pursuant to the bond.

Retention period: 3 years beyond the term of each bond, plus such additional time as may be required to settle claims for which the surety may seek recovery from SBA or attempt salvage or other recovery.

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

14 CFR

91.54 Lessees and conditional buyers of U.S. registered large civil aircraft other than a foreign air carrier or certificate holder

under 14 CFR Parts 121, 123, 127, 135, or 141. [Removed, 1989]

91.173 Registered owners or operators of civil aircraft. [Revised, 1989; new amendment contained no record retention requirements; record retention requirements now in 91.417]

91.191 Operators of civil aircraft of United States registry in Category II operation.

To keep a current copy of the approved manual at principal base of operations.

Retention period: See 14 CFR 91.417.

91.417 Registered owners or operators of civil aircraft.

To keep (a) records of maintenance, preventive and alterations, 100-hour, annual, and progressive inspections, and other required or approved inspections for each aircraft, and for each airframe, engine, propeller, rotor, and appliance of an aircraft including a description of the work performed, the date the work was completed, and signature and certificate number of the persons approving the aircraft for return to service and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained, current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each air frame, engine, propeller, rotor, and appliance.

Retention period: (a) Until the work is repeated or superseded by other work or for 1 year after the work is performed; (b) transferred with the aircraft at the time the aircraft is sold.

91.419 Owners or operators who sell U.S. registered aircraft.

To maintain records specified in 14 CFR 91.417(a)(1) and (a)(2).

Part 121, SPAR No. 58 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; certificate holders and training centers holding Advanced Qualification Program (AQP) provisional approval. [Added]

To establish and maintain records in sufficient detail to establish the training, qualification, and certification of each person qualified under an AQP in accordance with the training, qualification, and certification requirements of this SFAR.

Retention period: Until Oct. 2, 1995, unless sooner.

221.260 Air carriers, foreign air carriers or tariff publishing agents.

To maintain all fares filed with the Department and all Departmental approvals, disapprovals, and other actions, as well as all Departmental notations concerning such approvals, disapprovals, or other actions, in the on-line-tariff database.

Retention period: For a period of 2 years after the fare becomes inactive.

COMMERCE DEPARTMENT

International Trade Administration

15 CFR

350.91 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by the Defense Priorities and Allocation System. [Redesignated, 1989; as 700.91]

Export Administration Bureau

15 CFR

700.91 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transactions covered by the Defense Priorities and Allocation System.

To maintain accurate and complete records of any transactions covered by this regulation (OMB No. 0625-0107) or an official action in sufficient detail to permit the determination, upon examination, or whether each transaction complies with the provisions of this regulation or any official action.

Retention period: At least three years.

771.5 Exporters of certain commodities of limited value to Country Groups Q, T, and V under General License GLVF. [Added]

To keep records of all shipments made under General License GLV in accordance with the provisions of 15 CFR 787.13. These records must include sufficient information to permit the Bureau of Export Administration to verify the eligibility to each order that was shipped under General License GLV.

771.22 Exporters of commodities to be returned to the United States.

To retain all records of temporary exports to be returned to the United States as well as Customs Entry Number or any other evidence of disposition or commodities exported, i.e., freight bills or commercial invoices.

Retention period: See 15 CFR 787.13.

771.25 Exporters and Importers of "A" level commodities to COCOM participation countries under General License GCT. [Added]

To maintain records of transactions in accordance with 15 CFR 787.13.

772.11 Persons applying for export license, reexport authorization or amendment request. [Added]

To maintain original copies of supporting documents in file.

Retention period: 5 years.

772.12 Persons applying for new export license to replace expiring or expired license. [Added]

If required, to retain supporting documents on file. (See 15 CFR Part 775 for documentation requirements).

Retention period: 5 years.

774.3 Persons requesting licenses for reexport authorization for commodities not yet exported and previously exported. [Added]

To retain supporting documentation in file.

Retention period: 5 years.

775.2 Persons applying for an export license. [Added]

When the country of ultimate destination is in Country Group S or V (except for the People's Republic of China) and the commodity described on the application is not a supercomputer, to maintain a Form BXA-629P, statement by ultimate consignee and purchase in file.

Retention period: 5 years.

775.3 Persons applying for export license. [Added]

To retain international import certificate and delivery verification certificate on file.

Retention period: 5 years.

775.4 Persons applying for license to export commodities to Switzerland or Liechtenstein. [Added]

To retain on file the original copy of the Swiss Blue Import Certificate.

Retention period: 5 years.

775.5 Persons applying for a license to export commodities to Yugoslavia. [Added]

See 15 CFR 775.4.

775.7 Persons applying for license to export or reexport commodities to India. [Added]

See 15 CFR 775.4.

787.13 Export licenses—record retention. [Added]

(a) To keep records for a period of 2 years from the export from the United States; any known reexport, transshipment, or diversion, or any other termination of the transaction, whether

formally in writing or by any other means. Such records may be kept longer than the mandatory two-year retention period because the statute of limitation for criminal actions brought under the Export Administration Act of 1979 and its predecessor Acts is 5 years (18 U.S.C. 3282). The statute for compliance proceedings is also 5 years (28 U.S.C. 2462).

(b) Records relating to restrictive trade practice or boycott requests—3 years.

(c) The following records must be kept for 5 years:

(1) Shipper's Export Declaration covering exports made under a Project License.

(2) Swiss Blue Import Certificates, Yugoslav End-Use Certificates, and other records required for exports under a Distribution License.

(3) Swiss Blue Import Certificates, Yugoslav End-Use Certificates, and other records required for exports under the Service Supply Procedure; and

(4) Supporting documentation that must be retained in the applicants (export license) files.

National Oceanic and Atmospheric Administration**15 CFR****971.801 Licensees and permittees engaged in commercial recovery of deep seabed hard minerals.**

To maintain records consistent with standard accounting principles as specified by the Administrator in the license or permit. Such records shall include information which will fully disclose expenditures for exploration for, or commercial recovery of hard mineral resources in the area under license or permit, and any other information which will facilitate an effective audit of these expenditures.

COMMODITY FUTURES TRADING COMMISSION**17 CFR****1.35 Futures commission merchants, introducing brokers, and members of contract markets. [Revised]**

To maintain the required records, data, and memoranda in accordance with the requirements of 17 CFR 1.31. Such records shall include all orders (filled, unfilled, or cancelled), trading cards, signature cards, street books, journals, ledgers, cancelled checks, copies of confirmations, copies of statements of purchase and sale, and all other records, data and memoranda which have been prepared in the course of its business of dealing in commodity

futures, commodity options, and cash commodities.

Retention period: 5 years.¹

31.7 Leverage transaction merchants.

See 17 CFR 31.14.

SECURITIES AND EXCHANGE COMMISSION**17 CFR****230.428 Registrants; employee benefit plans. [Added]**

To maintain a file of the documents constituting a section 10(a) prospectus for Form S-8 registration statement.

Retention period: Until 5 years after documents are used as part of the section 10(a) prospectus to offer or sell securities pursuant to the plan. Upon request, the registrant shall furnish to the Commission or its staff a copy of any or all of the documents included in the file.

240.15a-6 Registered brokers or dealers through which transactions with the U.S. institutional investors or major U.S. institutional investors are effected.

(a) To maintain required books and records relating to the transactions, including those required by Rules 17a-3 and 17a-4 under the Act (17 CFR 240.17a-3 and 240.17a-4).

(b) To maintain written records of the information and consents required and all records in connection with trading activities of the U.S. institutional investor or the major U.S. institutional investor involving the foreign broker or dealer.

ENERGY DEPARTMENT**Federal Energy Regulatory Commission****18 CFR****161.3 Interstate pipelines.**

To maintain and make available for copying on a daily basis a written log of waivers that the pipeline grants with respect to tariff provisions that provide for such discretionary waivers.

Retention period: From Sept. 12, 1989 until Dec. 31, 1991.

250.16 Interstate pipelines with marketing affiliates. [Amended]

To maintain a log on all requests for transportation service made by

¹ After 3 years the person required to keep such books and records may at his/her 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.

affiliated marketers or in which an affiliated marketer is involved.

Retention period: From the time the information required in cited section is received until Dec. 31, 1991. The information required must be available from Sept. 12, 1988 until Dec. 31, 1992 to the Commission and the public.

277.210 Sellers and purchasers of natural gas. [Removed]

TREASURY DEPARTMENT

Customs Service

19 CFR

111.22 Licensed customs brokers. [Amended]

See 111.21.

111.23 Licensed customs brokers. [Amended]

See 111.21.

122.182 Employers who employ persons to work in security areas of airports handling international commerce. [Added]

To retain records of background investigations.

Retention period: 1 year following cessation of employment and records must be made available upon request of the district director.

143.37 Licensed custom brokers and importers. [Added]

See 19 CFR 111.21.

LABOR DEPARTMENT

Employment and Training Administration

20 CFR

629.21 Recipients, SDA grant recipients, and other subrecipients under Titles I, II, and III of the Job Training Partnership Act.

To maintain, in accordance with instructions from the Governor, documentation supporting the locally developed formula or procedure for needs-based payments, including maintenance of an individual record of the determination of the need for, and the amount of, any participant's needs-based payment.

Retention period: Not specified.

629.35 Recipients, SDA grant recipients, and other subrecipients under Title I, II, and III of the Job Training Partnership Act.

(a) To maintain records of each participant's enrollment in a JTPA program in sufficient detail to demonstrate compliance with the relevant eligibility criteria attending a particular activity and with the provision and duration of services and specific activities authorized by the Act.

(b) To also maintain records of such participant's information as may be necessary to develop and measure the achievement of performance standards established by the Secretary.

Retention period: 2 years from date of obligations of funds. Nonexpendable property—3 years after final disposition of the property. Records must be retained until litigation, audit, or claim has been resolved.

629.41 Recipients, SDA grant recipients and other subrecipients under Titles I, II, and III of the Job Training Partnership Act.

To maintain, subject to the Secretary of Labor's rights to such property, accountability for personal and real property procured with JTPA funds or transferred from programs under the Comprehensive Employment and Training Act in accordance with State procedures and the records retention requirements of §629.35.

Retention period: 3 years from date of obligation of funds. Nonexpendable property—3 years after final disposition of the property. Records will be retained until litigation, audit or claim has been finally resolved.

637.12 States participating in Title V of the Job Training Partnership Act activities. [Added]

To maintain written procedures for establishing the eligibility of individuals for whom an incentive bonus may be claimed and for tracking the activities that they comply with all statutory requirements necessary to qualify for an incentive bonus.

Retention period: See 20 CFR 629.35.

Effective date: January 28, 1991.

637.20 States participating in Title V of the Job Training Partnership Act activities. [Added]

To maintain adequate records to support all incentive bonus payment applications. Such records shall include documentation to support individual's eligibility.

Retention period: See 20 CFR 629.35.

Effective date: January 28, 1991.

655.310 Facilities using nonimmigrant aliens as registered nurses (H-1 or H-1A). [Added]

To maintain complete supporting documentation on substantial disruption (layoffs and nursing shortages); facility's nursing position; wages; State employment security agency determination; collectively bargained wage rates; determination of pay and total compensation; facility/employer wage; timely and significant steps; or State plan; systems for salary advancement; no strike or lockout; no

intention or design to influence bargaining election; and notice of filing.

Retention period: For the duration of the attestation period and for as long thereafter as the facility continues to employ an H-1A nurse hired under the attestation. The facility shall attest that the documentation will be available for public examination on a timely basis.

655.350 Facilities using nonimmigrant aliens as registered (H-1 or H-1A). [Added]

To maintain a separate file containing the attestation and required documentation. This file shall be made available to any interested parties within 72 hours upon written or oral request.

655.400 Facilities using nonimmigrant aliens as registered nurses (H-1 or H-1A). [Added]

See 20 CFR 655.350.

684.123 Center operators of Job Corps centers under Title IVB of the Job Training and Partnership Act. [Removed]

684.128 Center operators of Job Corps centers under Title IVB of the Job Training Partnership Act. [Removed]

684.129 Center operators of Job Corps centers under Title IVB of the Job Training Partnership Act. [Removed]

684.130 Center operators of Job Corps centers under Title IVB of the Job Training Partnership Act. [Removed]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

21 CFR

107.280 Manufacturers of infant formula.

To establish and maintain records on distribution of the infant formula through any establishment owned or operated by the manufacturer as may be necessary to effect and monitor recalls of the formula.

Retention period: 1 year after the expiration of the shelf life of the infant formula.

205.50 Wholesale drug distributors. [Added]

To maintain:

(a) Inventories and records of all transactions regarding the receipt and distribution or other disposition of prescription drugs.

Retention period: 2 years following distribution of the drugs.

(b) Written documentation of the disposition of outdated prescription drugs.

Retention period: 2 years after disposition of the outdated drugs.

291.505 Hospitals and other authorized dispensers of methadone.

To maintain clinical record for each patient showing dates, quantity, and batch or code mark of drug dispensed.

Retention period: 3 years.

291.505 Manufacturers of methadone.

To maintain signed invoices of methadone delivered to licensed practitioner.

Retention period: Not specified.

291.505 Sponsors of methadone maintenance programs.

To maintain for each patient an admission evaluation and records consisting of personal and medical history, physical examination, and such other information as necessary.

Retention period: Not specified.

606.100 Collectors and processors of whole blood (human) collected from human donors and processed for transfusion or further manufacturing. [Added]

See 21 CFR 606.151.

610.13 Manufacturers performing tests for residual moisture in biological products. [Added]

To maintain applicable records as required by 21 CFR 211.188 and 211.194.

610.18 Manufacturers of biological products. [Added]

To maintain results of all periodic tests for verification of cultures and determination of freedom from extraneous organisms as required by 21 CFR 211.188 and 311.194.

640.2 Collectors and processors of whole blood (human) collected from human donors for transfusion to human recipients. [Added]

(a) To maintain on the premises and file with the Center for Biologics Evaluation and Research, a manual of standard procedures and methods approved by the Director of the Center for Biologics Evaluation and Research, that shall be followed by employees who collect blood.

(b) To maintain records indicating the name and qualifications of the person immediately in charge of the employees who collect blood when a physician is not present on the premises.

640.4 Collectors and processors of whole blood (human) collected from human donors for transfusion of human recipients. [Added]

See 21 CFR 640.2.

640.33 Manufacturers of plasma collected by plasmapheresis. [Added]

See 21 CFR 640.71 and 640.72.

640.53 Manufacturers of Cryoprecipitated AHF obtained from plasma collected by plasmapheresis. [Added]

See 21 CFR 640.71 and 640.72.

JUSTICE DEPARTMENT

Drug Enforcement Administration

21 CFR

1310.03 Regulated persons engaging in regulated transactions involving listed chemicals, tableting machines and encapsulating machines.

To maintain records and file reports of the transactions as specified in 21 CFR 1310.04 and 1310.05.

(a) Records on listed precursor chemical, tableting machine, and encapsulating machine—4 years after the date of transaction.

(b) Records on listed essential chemicals—2 years after transaction.

1310.04 Regulated persons engaging in regulated transactions involving listed chemical, tableting machines, and encapsulating machines.

(a) Records required to be kept for a listed precursor chemical, a tableting machine, or an encapsulating machine—4 years after the date of the transaction.

(b) Records required to be kept for a listed essential chemical—2 years after the date of the transaction.

1310.06 Regulated persons engaging in regulated transactions involving listed chemicals, tableting machines, and encapsulating machines.

To keep records containing the following information: (a) The name and address of each party to the regulated transaction; (b) the date of the regulated transaction; (c) the name, quantity and form of packaging of the listed chemical or a description of the tableting machine or encapsulating machine (including make, model and serial number); (d) the method of transfer (company truck, picked up by customer, etc.); and (e) the type of identification used by the purchaser and any unique number on that identification.

Retention period: See 21 CFR 1310.03.

STATE DEPARTMENT

22 CFR

122.5 Persons required to register as manufacturers or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any persons designated by him, records on the exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases if deemed necessary.

AGENCY FOR INTERNATIONAL DEVELOPMENT, INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

22 CFR

201.41 Borrowers/grantees receiving commodity and commodity-related services financed by A.I.D. [Revised]

To maintain records adequate to document the arrival and disposition in the cooperating country of all commodities financed by A.I.D. and to identify the importer (or the first purchaser of transferee if the commodity is imported by the borrower/grantee).

Retention period: 3 years following the date of payment or reimbursement by A.I.D. or for such other period as A.I.D. and the borrower/grantee agree.

201.74 Banks, commodity transactions financed by A.I.D.

In addition to documents required for reimbursement, to retain in file: (a) Each letter of credit issued, confirmed, or advised, together with any extension or modification thereof; (b) pamphlet instructions received from the approved applicant; (c) each application and agreement relating to such letter of credit or instructions for payment, together with any extension or modification thereof; and (d) a detailed advice of the interest, commissions, expenses, or other items charged by it in connection with each such letter of credit or payment instructions.

Retention period: 3 years.

211.10 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations, except the World Food Program and United Nations Relief and Works Agency, involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance. [Revised]

To maintain records and documents in a manner which will accurately reflect all transactions pertaining to the receipt, storage, distribution, sale, inspection, and use of commodities and pertaining to the receipt and disbursement of any monetized proceeds and program income and the operation of the program and records described in 22 CFR 211.5(i).

Retention period: For a period of 3 years from the close of the fiscal year to which they pertain, or longer. Upon request by A.I.D. for cause, such as in the case of litigation of a claim or an audit concerning such records, the cooperating sponsor shall transfer to

A.I.D. any records, or copies thereof, requested by A.I.D.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary

24 CFR

111.109 Agencies receiving support under the Fair Housing Assistance Program.

To maintain records determined appropriate by the Assistance Secretary.

111.121 Recipients under the Fair Housing Assistance Program.

To maintain records specified by the Assistant Secretary that clearly document performance under the award. Documents relevant to a recipient's program must be made available at the recipient's office during normal working hours for public review upon request, except that documents with respect to on-going fair housing complaint investigations will be exempt from public review. The Secretary, the Inspector General of HUD, and the Comptroller General of the United States, or any of their duly authorized representatives shall have access to all books, accounts, reports, files, and other papers of the recipients with respect to FHAP payments for surveys, audits, examinations, excerpts, and transcripts.

125.104 Recipients of funds under the Fair Housing Initiatives Program.

To maintain records determined appropriate by the Assistant Secretary.

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR

200.182 Assisted housing owners or mortgagees under the National Housing Act. [Removed, 1989]

201.2 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.4 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.6 Lending agencies with respect to property improvement and mobile home

loans. [Removed, 1989]

201.8 Lending agencies—Title 1. [Removed, 1989]

201.8 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.10 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.11 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.22 Lenders of Title I property improvement and manufactured home loans.

To maintain in the loan file all documentation supporting determination of solvency of borrower and any co-maker or co-signer and relating to review of the credit of the borrower and of any co-maker and co-signer and any other information regarding credit application of the borrower.

201.23 Lenders of Title I property improvement and manufactured home loans.

To maintain in the loan file, documentation of any required down payment.

201.26 Lenders of Title I property improvement and manufactured home loans.

To maintain in the loan file documentation of the site-of-placement inspection results.

201.27 Lenders of Title I property improvement and manufactured home loans.

To maintain on each approved dealer a file which contains the executed dealer approval form and supporting information together with documentation of the lender's experience with Title I loans involving the dealer. Such documentation shall include information about borrower defaults on such loans over time, records of completion or site-of-placement inspections conducted by the lender or its agent, copies of letters concerning borrowers' complaints and their resolution, and records of the lender's periodic review visits to dealer premises.

201.50 Lenders of Title I property improvement and manufactured home loans. [Removed, 1989]

201.171 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.520 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.525 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.545 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.570 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.575 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.595 Lending agencies—Title 1. [Removed, 1989]

201.605 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.610 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

201.665 Lending agencies with respect to property improvement and mobile home loans. [Removed, 1989]

205.127 Project mortgagors under the National Housing Act. [Removed]

Office of Assistant Secretary for Community Planning and Development

24 CFR

511.15 Grantees or state recipients under the Rental Rehabilitation Grant Program. [Added]

To keep a copy of each notification, inspection, and/or lead-based paint test report.

Retention period: At least 3 years.

511.73 Grantees or state recipients under the Rental Rehabilitation Grant Program. [Added]

To maintain records as specified by HUD that clearly document performance. Such records shall include (a) records required to comply with 24 CFR 511.75; (b) data on the racial, ethnic, gender, and income level characteristics of tenants occupying units before rehabilitation; tenants moving from and (initially after rehabilitation) into projects assisted under this program; applicants for tenancy within 90 days following completion of rehabilitation assisted under this program; and owners of the

projects rehabilitated; and (c) data indicating the race and ethnicity of households displaced as a result of program activities; and if available, the address and census tract of the housing units to which each displaced household relocated.

Retention period: 3 years from date of final closeout of the rental rehabilitation grant.

570.496a Recipients of the community development block grants. [Added]

To maintain records in sufficient detail to demonstrate compliance with displacement, relocation, acquisition, and replacement of housing provisions.

Retention period: Not specified.

570.506 Recipients of the community development block grants. [Revised]

To establish and maintain sufficient records (a) to enable the Secretary to determine whether the recipient has met applicable requirements, i.e., records providing a full description of each activity assisted (or being assisted) with CDBG funds, including its location (if the activity has a geographical locus); the amount of CDBG funds budgeted, obligated and expended for the activity; (b) to demonstrate that each activity undertaken meets one of the criteria set forth in 24 CFR 570.208, national objective of benefitting low and moderate income persons; and other information as specified in cited section.

Retention period: Not specified.

570.606 Recipients of the community development block grants. [Revised]

To maintain records in sufficient detail to demonstrate compliance with relocation and acquisition regulations.

Retention period: Not specified.

576.87 Grantees under the Emergency Shelter Grants Program: Stewart B. McKinney Homeless Assistance Act.

To maintain records that are necessary to document compliance with applicable regulations.

Retention period: 3 years period.

577.305 Recipients of assistance under the Transitional Housing Program.

To keep any records that HUD may require.

577.335 Recipients of assistance under the Transitional Housing Programs.

To keep a copy of each lead-based paint inspection report.

Retention period: At least 3 years.

578.305 Recipients of assistance under the Permanent Housing for Handicapped Homeless Persons Program.

To keep any records that HUD may require.

579.305 Recipients of the supplemental assistance for facilities to assist the homeless.

To maintain any records that HUD may require.

579.325 Recipients of the supplemental assistance for facilities to assist the homeless.

(a) To keep a copy of each lead-based paint inspection report.

Retention period: At least 3 years.

(b) To keep the test results and, if applicable, the certification of treatment indefinitely if a unit requires testing, or treatment of chewable surfaces based on the testing.

590.25 Local urban homesteading agencies.

To maintain adequate financial records, property disposition documents, supporting documents, statistical records and all other records pertinent to the local urban homesteading program until fee simple title has been conveyed to all homesteaders, generally a five-year period. To also maintain current and accurate data on the race and ethnicity of program beneficiaries.

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR

885.740 Borrowers; Section 202 Projects for Nonelderly Handicapped Families and Individuals—Section 162 Assistance.

(a) To keep a copy of each lead-based paint surface inspection report.

Retention period: 3 years.

(b) To keep a record of the test results if a unit requires testing or treatment of chewable surfaces based on the testing, and if applicable, the certification of treatment indefinitely. The records must indicate which chewable surfaces in the units have been tested or treated.

885.950 Borrowers; Section 202 Projects for Nonelderly Handicapped Families and Individuals—Section 162 Assistance.

To maintain records on applicants and approved eligible families which provide racial, ethnic, gender, and place of previous residency data required by HUD.

Retention period: 3 years.

885.972 Borrowers; Section 202 Projects for Nonelderly Handicapped Families and Individuals—Section 162 Assistance.

To maintain records of the amount in a segregated interest-bearing account that is attributable to each family in residence in the project.

Office of the Assistant Secretary for Public and Indian Housing

24 CFR

905.165 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.

905.175 Indian Housing Authorities (IHAs). [Added]

To maintain documentation of efforts in providing Indian preference. To also include as part of documentation a statement explaining the reasons for lack of Indian participation if no quotations are solicited or received from Indian-owned economic enterprises or Indian organizations.

Retention period: Not specified.

905.204 Indian Housing Authorities (IHAs). [Removed; record retention requirements now in 905.165]

905.416 Indian Housing Authorities (IHAs). [Added]

To maintain a waiting list, separate from any other IHA waiting list, of families that have applied for Multiple Help (MH) housing and that have been determined to meet the admission requirements in accordance with requirements prescribed by HUD.

Retention period: Not specified.

905.446 Indian Housing Authorities (IHAs). [Added]

To maintain a record of the meetings with the homebuyer, written plans of action agreed upon, and other related steps taken on termination of a Mutual Help and Occupancy Agreement (MHO).

Retention period: Not specified.

905.505 Indian Housing Authorities (IHAs). [Added]

To maintain a waiting list, separate from any other IHA waiting list, of families that have applied for Turnkey III housing and that have been determined to meet the admission requirements. To also maintain a Turnkey III waiting list based on date of application, suitable type or size of units, and factors affecting preference or priority established by IHA's regulations.

Retention period: Not specified.

905.525 Indian Housing Authorities (IHAs). [Added]

To retain all residual receipts from the operation of the project in a replacement reserve, including payments received on

account of any additional purchase price schedules applicable to the homes.

Retention period: Not specified.

905.625 Indian Housing Authorities (IHAs). [Added]

To retain copies of the signed home participation agreements in file for inspection by the HUD office.

905.715 Indian Housing Authorities (IHAs). [Added]

To maintain appropriate utility records, satisfactory to HUD so that a 36-month rolling average utility consumption per month under the rolling base period system can be determined.

Retention period: Not specified.

905.730 Indian Housing Authorities (IHAs). [Added]

To retain supporting documentation substantiating requested adjustments of base year expense level, estimated investment income, and utilities expense level.

Retention period: Not specified.

905.760 Indian Housing Authorities (IHAs). [Added]

To maintain a record of computation of actual occupancy percentage if an average is elected.

Retention period: Not specified.

905.885 Indian Housing Authorities (IHAs). [Added]

To maintain a record that documents the basis on which utility allowances and scheduled surcharges and revision thereof are established and revised. Such records shall be available for inspection by tenants. To also maintain written comments of tenants on proposed utility allowances or scheduled surcharges or revision.

Retention period: Not specified.

905.937 Indian Housing Authorities (IHAs). [Added]

To maintain records of HUD-approved project disposition or demolition sufficient for audit by HUD to determine compliance with applicable requirements of Federal law and 24 CFR part 905.

968.110 Public Health Agencies (PHAs) receiving assistance under the Comprehensive Improvement Assistance Program.

To maintain books, documents, papers, or other records that are pertinent to program activities in order to make audit examinations, excerpts, and transcripts.

968.226 Public Health Agencies (PHAs) receiving assistance under the Comprehensive Improvement Assistance Program. (CIAP).

To retain in its file for inspection by HUD the signed agreement from each participating homebuyer family that it will amend its homebuyer agreement upon approval of the application.

Office of Assistant Secretary for Housing—Federal Housing Commission

24 CFR

1710.15 Developers of multiple site divisions (fewer than 100 lots).

To maintain a copy of the written Lot Information Statement Acknowledgement.

Retention period: 3 years.

TREASURY DEPARTMENT

Internal Revenue Service

26 CFR

1.44c-3(1) Residential energy credit. [Redesignated as 1.123-3]

To maintain records that clearly identify the energy-conserving components and renewable energy source property with respect to which a residential energy credit is claimed, and substantiate their cost to the taxpayer, any labor costs properly allocable to them paid for by the taxpayer, and the method used for allocating such labor costs.

1.163-5 Persons issuing debt obligations to foreign persons; Tax Equity and Fiscal Responsibility Act of 1982 and the Tax Reform Act of 1986. [Added]

To maintain the certificate. Statements by member organizations must be retained by the clearing organization in the case of certificates based on such statements.

Retention period: 4 calendar years following the year in which the certificate is received.

1.936-10T Qualified recipients and financial intermediaries investing in Qualified Caribbean Basin Countries.

To maintain all necessary books and records that are sufficient to verify that the funds were used for investment in active business assets or development projects in conformity with the terms of the loan agreement.

5h.6 Electing owners, issuers, purchasers, and all successors in interest to the electing owners or purchasers; Technical Miscellaneous Revenue Act of 1986.

(a) To retain the original election document or a copy thereof in its records.

Retention period: Until 6 years after the later of the date the last bond that is part of the issue is retired or the date such owner, purchaser or successor in interest ceases to own the facilities.

(b) To retain a copy of the election.

Retention period: Until 6 years after the date the last bond that is part of the issue is retired.

35a.3406-1 Payors to backup withhold due to notification of an incorrect taxpayer identification number.

To maintain sufficient records to determine whether the payor has received notification of two incorrect taxpayer identification numbers within a 3-year period.

48.4041-21T Sellers of diesel fuel for use as a fuel in a diesel-powered highway vehicle. [Redesignated as 48.4041-21 and amended]

To maintain supporting records with respect to the tax imposed by section 4041 (whether or not such seller incurs liability for such tax).

Retention period: For at least 3 years after the due date of the tax return for the return period to which the records relate, or the date such tax is paid, whichever is later.

48.4041-21T Qualified retailers of diesel fuel for use as a fuel in a diesel-powered highway vehicle. [Redesignated as 48.4041-21 and amended]

(a) To maintain sufficient records of sales to establish the purpose for which the liquid is sold, and the person(s) to whom sold.

(b) To maintain supporting records with respect to the tax imposed by section 4041 (whether or not the qualified retailer incurs liability for such tax) when making a valid election.

Retention period: For at least 3 years after the due date of the tax return for the return period to which the records relate, or the date such tax is paid, whichever is the later.

52.4682-2T Persons purchasing the ozone-depleting chemicals for use as a feedstock. [Added]

To retain the business records needed to document (a) the sales covered by the certificates; (b) the use as a feedstock of the ozone-depleting chemicals to which the certificate applies; and (c) the use in the manufacture of rigid foam insulation of the ozone-depleting chemicals to which the certificate applies.

Such records will be made available for inspection by Government officers.

52.4682-4T Persons holding ODCs (Ozone-depleting chemicals) that are held for sale or for use in further manufacture and that were not manufactured or imported by such persons. [Added]

To maintain records of the inventory of all ODCs held on the day which the tax is imposed. Such records must be made available for inspection and copying by internal revenue agents and officers. Records are not to be filed with IRS.

56.4911-6 Electing public charities. [Added]

To keep records of lobbying and grass roots expenditures.

301.67216-2T Tax return preparers. [Added]

To maintain record of the review including the tax return information reviewed and the identity of the persons conducting the review.

Retention period: For the period that is prescribed for the retention of permanent books of account and records under 26 CFR 1.6001-1(e).

TREASURY DEPARTMENT

Bureau of Alcohol, Tobacco and Firearms

27 CFR

19.36 Proprietors of distilled spirits plants. [Added]

To maintain a permanent record of the standard effective tax rate established for each product in accordance with 27 CFR 19.765.

19.38 Proprietors of distilled spirits plants. [Added]

To maintain an inventory reserve record as prescribed by 27 CFR 19.764.

19.682 Proprietors of distilled spirits plants. [Added]

To maintain credit memoranda or comparable financial records evidencing the return of each lot of spirits. See also 27 CFR 19.761

19.761 Proprietors of distilled spirits plants. [Added]

To maintain record of tax determination on total proof gallons and if applicable, each effective tax rate and the proof gallons removed at each effective tax rate.

19.762 Proprietors of distilled spirits plants. [Added]

To maintain daily summary records of tax determinations. The summary records will show for each day on which tax determinations occur (a) the serial numbers of tax determination, the total proof gallons, rounded to the nearest tenth proof gallon on which tax was

determined at each effective tax rate, and the total tax; or (b) the serial numbers of the records of tax determination, the total tax for each record of tax determination and the total tax.

19.763 Proprietors of distilled spirits plants. [Added]

To maintain record of average effective tax rates.

19.764 Proprietors of distilled spirits plants. [Added]

To maintain inventory reserve records for each eligible distilled spirits product to be tax determined in accordance with 27 CFR 19.38.

19.770 Proprietors of distilled spirits plants. [Amended]

To maintain transfer records.

Retention period: 3 years.

24.53 Taxpayer subject to special (occupational) tax for multiple locations and/or classes of taxes. [Added]

To retain at the taxpayer's principal place of business one copy of the list showing, by States, the name, address, and tax class of each location for which special (occupational) tax is being paid.

Retention period: See 27 CFR 24.300.

24.77 Scientific universities, colleges of learning or institutions of scientific research authorized to conduct wine experimental or research operations. [Added]

To maintain (a) approved qualifying documents and applications in the file; (b) records appropriate to the experiments to be conducted; and (c) records documenting disposition of the wine and wine spirits. Records will be made available for inspection by ATF officers.

24.96 Proprietors of bonded wineries. [Added]

To maintain records of all samples taken for analysis or testing, showing the size of each sample, the kind of wine or wine spirits, date of removal, and the name and address of where sent.

Retention period: See 27 CFR 24.300.

24.97 Proprietors of bonded wineries. [Added]

(a) To maintain records showing the size, kind of wine or wine spirits, and date and disposition of each sample retained as a laboratory sample.

(b) If a room or area is set aside for public tasting purposes, to maintain records showing the date, quantity and kind of wine transferred to the room or area for testing.

Retention period: See 27 CFR 24.300.

24.136 Proprietors of bonded wineries. [Added]

(a) To maintain records of all transfer of wine, spirits and other accountable materials.

(b) To maintain records showing the name and registry number of the incoming or outgoing proprietor, the effective date and hour of alternation, and the quantity in gallons and the percent alcohol by volume or proof of any wine, spirits, or other accountable materials transferred or received.

Retention period: See 27 CFR 24.300.

24.226 Proprietors of bonded wineries. [Added]

To maintain a copy of the transfer record, annotated to show any difference between the description of spirits and quantity received as a record of receipt.

Retention period: See 27 CFR 24.300.

24.237 Proprietors of bonded wineries. [Added]

To maintain separate record on spirits that are added to juice or concentrated fruit juice.

Retention period: See 27 CFR 24.300.

24.243 Proprietors of bonded wineries. [Added]

To maintain records required by 27 CFR 24.301 if the inert material is dissolved in water prior to addition to wine in the cellar treatment and finishing of wine.

24.249 Proprietors of bonded wineries. [Added]

To maintain records of the kind and quantity of material received and used and the volume of wine treated and the manner by which disposed in experiments with new treating material or process.

Retention period: See 27 CFR 24.300.

24.257 Proprietors of bonded wineries. [Added]

To maintain records on labeling wine containers subject to recordkeeping requirements of 27 CFR 24.315.

24.272 Proprietors of bonded wineries. [Added]

To maintain the transfer data record furnished through normal banking practices as record of tax payment when financial institution make an electronic fund transfer in the amount of the taxpayment to the Treasury Account.

Retention period: See 27 CFR 24.300.

24.281 Proprietors of bonded wineries. [Added]

To maintain one copy of the transfer record for the file when transferring wine in bond.

Retention period: See 27 CFR 24.300.

24.282 Proprietors of bonded wineries. [Added]

To maintain one copy of the shipping or delivery order in multiple transfers of wines by trucks or pipelines.

Retention period: See 27 CFR 24.300.

24.284 Proprietors of bonded wineries. [Added]

To maintain the original of the transfer record and any accompanying documents when wine is received by transfer bond.

Retention period: See 27 CFR 24.300.

24.291 Proprietors of vinegar plants. [Added]

To maintain records of all wine received and used for the manufacture of vinegar and of all vinegar produced and disposed of when wine is shipped without payment of tax.

Retention period: See 27 CFR 24.300.

24.293 Proprietors of bonded wineries. [Added]

To maintain a copy of the bill of lading covering the shipment, with the ATF F 5120.17, Monthly Report of Wine Cellar Operations, for the month in which the shipment by common carrier of wine for Government use is made.

Retention period: See 27 CFR 24.300.

24.294 Proprietors of bonded wineries. [Added]

To maintain records of the volume of wine destroyed.

Retention period: See 27 CFR 24.300.

24.295 Proprietors of bonded wineries. [Added]

To maintain records covering each lot of unmerchantable taxpaid wine returned in bond in accordance with 27 CFR 24.311.

Retention period: See 27 CFR 24.300.

24.300 Proprietors of bonded wineries. [Added]

To maintain wine transaction records. Transactions records may be recorded in wine gallons or in liters.

Retention period: All prescribed returns, reports and records (including source records) will be retained by the proprietor for a period of not less than three years from the record date or the date of last entry required to be made in the record, whichever is later. However, the regional director (compliance) may require records to be kept an additional period not exceeding three years in any case where record retention is determined to be necessary.

24.301 Proprietors producing or receiving still wine in bond (including wine intended for use as distilling material or vinegar stock to which water has not yet been added). [Added and amended]

To maintain records of transactions for bulk still wine.

Retention period: See 27 CFR 24.300.

24.302 Proprietors producing or receiving sparkling wine or artificially carbonated wine in bond. [Added]

To maintain records showing the transaction date and details of production, receipt, storage, removal, and any loss incurred. Records will be maintained for each specific process used (bulk or bottle fermented, artificially carbonated), and by the specific kind of wine, e.g., grape, pear, cherry.

Retention period: See 27 CFR 24.300.

24.303 Proprietors producing beverage formula wine. [Added]

To maintain records showing by transaction date the details of production.

Retention period: See 27 CFR 24.300.

24.304 Proprietors chaptalizing (Brix adjustment) or ameliorating juice or wine, or both. [Added]

To maintain records of the operation and transaction date. Records will contain the information necessary to enable ATF officers to readily determine compliance with chaptalization and amelioration limitations.

Retention period: See 27 CFR 24.300.

24.305 Proprietors sweetening natural wine with sugar or juice (unconcentrated or concentrated). [Added]

To maintain record of sweetening by transaction date.

Retention period: See 27 CFR 24.300.

24.306 Proprietors producing or receiving wine containing excess water which will be used expressly as distilling material or vinegar stock. [Added]

To maintain records by transaction date showing the amount and kind produced, received, from whom received, removed, and to whom sent. To also keep a record of each type of material from which the distilling material or vinegar stock was fermented (e.g., grape, fruit, berry).

Retention period: See 27 CFR 24.300.

24.307 Proprietors producing nonbeverage wine or wine products. [Added]

To maintain a record by transaction date of such wine produced, received, and withdrawn.

Retention period: See 27 CFR 24.300.

24.308 Proprietors bottling, packing, or receiving bottled or packed beverage wine in bond. [Added]

(a) To maintain a record, by tax class, of the date, kind of wine, the number and size or other container filled (if not available in another record), and volume of wine bottled or packed, received in bond, returned to bond, and removed.

(b) To maintain record of fill tests and alcohol tests required by 27 CFR 24.255 for each lot of wine bottled or packed, or for each bottling or packing line operated each day, showing the date, type of test, item tested and the test results.

Retention period: See 27 CFR 24.300.

24.309 Proprietors of transferring wine in bond. [Added and amended]

To maintain transfer records showing the name, address and registry number of the proprietor; the name, address and registry number of the consignee; the shipping date; the kind of wine (class and type); the alcohol content or the tax class; the number of cases or containers larger than four liters; and other such information as specified in cited section.

Retention period: See 27 CFR 24.300.

24.310 Proprietors removing wine from bond for consumption or sale on determination of tax. [Added]

To maintain a record of wine removed at the time of removal either to taxpaid wine premises, or for direct shipment.

Retention period: See 27 CFR 24.300.

24.311 Proprietors who have taxpaid United States or foreign wine on taxpaid wine premises or on taxpaid wine bottling house premises. [Added]

To maintain records of receipt, removals, and cases or containers filled.

Retention period: See 27 CFR 24.300.

24.312 Proprietors of bonded wineries. [Added]

To maintain records of any unmerchantable taxpaid wine returned to bond.

Retention period: See 27 CFR 24.300.

24.313 Proprietors of bonded wineries. [Added]

To maintain record of the physical inventory of all wine and spirits in storage at the close of business for each tax year, or where a different cycle has been established, the inventory will be taken at the end of that annual period. The inventory records will include: (a) Description of wine; (b) bulk containers; (c) the total volume of cases, bottled and other similar containers; and (d) inventory summary.

Retention period: See 27 CFR 24.300.

24.314 Proprietors of bonded wineries. [Added]

To maintain label information records.
Retention period: See 27 CFR 24.300.

24.315 Proprietors producing wine. [Added]

(a) *General.* To maintain records showing the receipt and use or other disposition of basic winemaking materials received on wine premises. Where grapes (or other fruit) received on wine premises are used in producing juice to be stored for future use or for removal, the record will show the quantity used and the juice produced.

(b) *Concentrated fruit juice.* To maintain records showing the degrees Brix of the juice before and after concentration, the volume of juice before and reconstitution, the volume of reconstitution water used for each dilution of the concentrate, and if volatile fruit flavor was added, the kind and volume.

(c) *Volatile fruit-flavor concentrate.* To maintain records showing the volume received, the fold, the percent of alcohol by volume, any loss in transit, and the use of other disposition of the volatile fruit-flavor concentrate, and other such information as specified in cited section.

Retention period: See 27 CFR 24.300.

24.316 Proprietors receiving, storing, or using spirits. [Added]

To maintain records of receipt and use showing the date of receipt, from whom received, and the kind and proof gallons. The spirits record will also show by date and proof gallons the spirits used or removed from bonded wine premises, and on hand will be summarized and the account balanced at the end of the month and reported on the ATF 5120.17.

Retention period: See 27 CFR 24.300.

24.317 Proprietors receiving, storing, or using sugar. [Added]

(a) To maintain records showing the date of receipt, from whom received, and the kind and quantity.

(b) To retain invoices covering purchases.

(c) When sugar is used for chaptalization (Brix adjustment), amelioration or sweetening, the record will show the date, kind, and quantity used. The sugar record will also show sugar used in the production of allied products and any sugar removed from the wine premises.

Retention period: See 27 CFR 24.300.

24.318 Proprietors adding acid to correct a natural deficiency in juice or wine or to stabilize wine. [Added]

To maintain records showing date of use, the kind and quantity of acid used, the kinds and volume of juice or wine in which used, and, when used to correct natural deficiency, the fixed acid level of juice or of wine before and after the addition of acid. The record will account for all acids received and be supported by purchase invoices.

Retention period: See 27 CFR 24.300.

24.319 Proprietors using carbon dioxide in still wine. [Added]

To maintain records of the laboratory tests conducted to establish compliance with the limitations prescribed in 27 CFR 24.245.

Retention period: See 27 CFR 24.300.

24.320 Proprietors using chemicals, preservatives, or other such materials. [Added]

To maintain records of the purchase, receipt and disposition of chemicals, preservatives, or other such materials. The records will show the kinds and quantities received, the date of receipt, and the names and addresses from whom purchased. A record of use in juice or wine of any of these materials, except for filtering aids, inert fining agents, sulfur dioxide, carbon dioxide, nitrogen and oxygen, will be maintained, showing the kind, quantity, and date of use, and kind and volume of juice or wine in which used.

Retention period: See 27 CFR 24.300.

24.321 Proprietors treating juice or wine to remove excess color with activated carbon or any other decolorizing material. [Added]

To maintain records showing (a) the date the decolorizing material is added to the juice or wine; (b) the type (e.g., grape variety or kind of wine) and volume of juice or wine treated with decolorizing material; and (c) the kind and quantity of decolorizing material used to treat the juice or wine.

Retention period: See 27 CFR 24.300.

55.122 Licensed importers of explosive materials. [Amended]

(a) To keep accurate physical inventories which will include all explosive materials on hand required to be accounted for.

(b) To maintain records on importation or other acquisition of explosive materials.

(c) To maintain records on the distribution of any explosive material to another licensee or a permittee.

(d) To maintain separate records of the sales or other distribution made of

explosive materials to nonlicensees or nonpermittees.

Retention period: 5 years from the date a transaction occurs or until discontinuance of business or operations.

55.123 Licensed manufacturers of explosive materials. [Amended]

(a) To keep accurate physical inventories which will include all explosive materials on hand.

(b) To keep records of manufacture or other acquisition of explosive materials.

(c) To keep records of the distribution of any explosive materials to another licensee or a permittee.

(d) To maintain records on date of use, quantity, description and size of explosive materials when manufacturers manufacture explosive materials for own use.

(e) To maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees.

Retention period: 5 years from the date a transaction occurs or until discontinuance of business or operations.

55.124 Licensed dealers of explosive materials. [Amended]

(a) To keep accurate inventories which will include all explosive materials on hand.

(b) To keep records of purchase or other acquisition of explosive materials.

(c) To maintain records of the distribution of any explosive materials to another licensee or permittee.

(d) To maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees.

Retention period: 5 years from the date a transaction occurs or until discontinuance of business or operations.

55.125 Licensed manufacturers—limited and permittees of explosive materials. [Amended]

(a) To keep accurate physical inventories which will include all explosive materials on hand.

(b) *Licensed manufacturers—limited.* To maintain separate records of disposition of surplus stocks of disposition of surplus stocks of explosive materials and commercially manufactured black powder.

(c) *Permittees.* (1) To maintain records of the acquisition of explosive materials and (2) to maintain separate records of the disposition of surplus explosive materials to another permittees licensees, nonlicensees, or permittees and commercially black powder.

Retention period: 5 years from the date a transaction occurs or until discontinuance of business or operations.

55.127 Licensees or permittees manufacturing, importing, or distributing explosive materials. [Revised]

To maintain daily summary of magazine transactions.

Retention period: 5 years from the date a transaction occurs or until discontinuance of business or operations.

170.112 Persons liable for floor stocks tax on alcoholic beverages and imported perfumes held for sale on Jan. 1, 1991. [Added]

(a) To maintain a copy of the floor stocks tax return at the place of business covered thereby, or, in the case of a consolidated return, at the principal place of business.

(b) To maintain record of physical inventory at the place of business to which the inventory pertains.

(c) In the case of a consolidated return, to keep a copy of the record of inventory at the taxpayer's principal place of business.

Retention period: At least 3 years after the date of filing of the floor stocks tax return and shall be available for inspection by ATF officers. The regional director (compliance) may request retention for an additional 3 years if retention is determined to be necessary or advisable.

170.116 Persons liable for floor stocks tax on alcoholic beverages and imported perfumes held for sale on Jan. 1, 1991. [Added]

See 27 CFR 170.112.

170.687 Proprietors of bonded wine cellars. [Removed]

170.690 Proprietors of bonded wine cellars. [Removed]

170.691 Proprietors of bonded wine cellars. [Removed]

170.691 Proprietors producing nonbeverage wines. [Removed]

197.130 Manufacturers of nonbeverage products claiming drawbacks. [Amended]

See 197.95

231.110 Proprietors of taxpaid wine

bottling houses. [Removed]

231.112 Proprietors of taxpaid wine bottling houses. [Removed]

231.113 Proprietors of taxpaid wine bottling houses. [Removed]

231.114 Proprietors of taxpaid wine bottling houses. [Removed]

240.134 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.363 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.366 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.367 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.368 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.382 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.383 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.384 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.385 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.406 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.407 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.408 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.409 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.484 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.485 Proprietors of bonded wine

cellars. [Part 240 was redesignated as Part 24 and revised]

240.486 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.487 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.526 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.527 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.527a Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.547 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations. [Part 240 was redesignated as Part 24 and revised]

240.548 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations. [Part 240 was redesignated as Part 24 and revised]

240.549 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations. [Part 240 was redesignated as Part 24 and revised]

240.561 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.613 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.614 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.615 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.656 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar. [Part 240 was redesignated as Part 24 and revised]

240.657 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar. [Part 240 was redesignated as Part 24 and revised]

240.658 Proprietors of vinegar plants

procuring wine free of tax for use in the manufacture of vinegar. [Part 240 was redesignated as Part 24 and revised]

240.731 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations. [Part 240 was redesignated as Part 24 and revised]

240.732 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.732 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations. [Part 240 was redesignated as Part 24 and revised]

240.741 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.743 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.746 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.753 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.801 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.804 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.835 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.892 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.900 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.901 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.902 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.903 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.904 Proprietors of bonded wine

cellars. [Part 240 was redesignated as Part 24 and revised]

240.908 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.910 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.911 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.912 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.914 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.915 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.916 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.917 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.918 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.919 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.920 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.922 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.923 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.924 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.924 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations. [Part 240 was redesignated as Part 24 and revised]

240.925 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

240.1052 Proprietors of bonded wine cellars. [Part 240 was redesignated as Part 24 and revised]

250.165 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico. [Added]

To retain the certificate of effective tax rate computation.

Retention period: For a period of not less than 3 years after the last tax determination which the certificate is applicable.

270.183 Manufacturers of tobacco products. [Amended]

See 270.181.

270.184 Manufacturers of tobacco products. [Amended]

See 270.181.

270.187 Manufacturers of tobacco products. [Amended]

See 270.181.

270.187a Manufacturers of tobacco products removing large cigars from the factory on or after Jan. 1, 1991. [Added]

To keep such records as are necessary to establish and verify the price for which the cigars are sold in accordance with 27 CFR 270.22a. The record shall be a continuing one of each brand and size of cigar so that the sale price on which the tax is based may be readily ascertained.

270.202 Manufacturers of tobacco products. [Amended]

To keep copies of monthly reports, Form 3068, together with copies of supplemental reports covering cigars and cigarettes of Puerto Rican manufacture.

Retention period: 3 years after close of calendar year in which the reports are filed.

275.137 Persons shipping Puerto Rican cigars, cigarettes, and cigarette papers and tubes to the United States. [Amended]

To keep certified copies of notices of release, Form 3072.

Retention period: 3 years after close of calendar year in which notices are filed.

275.181 Proprietors of custom bonded manufacturing warehouse, class 6. [Amended]

See 275.153 and 270.187a.

295.51 Manufacturers of cigarette papers and tubes. [Amended]

To keep supporting records showing appropriate entries at the time of removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years after close of year in which removals are made.

296.177 Persons holding pipe tobacco for sale, including those holding pipe tobacco exempt from the \$1000 floor stock tax.

To maintain inventory records of the pipe tobacco floor stocks tax liability required to be shown on the floor stocks tax return.

Retention period: As prescribed in 27 CFR 296.178.

296.178 Persons liable for floor stocks tax.

To keep a copy of the floor stocks tax return and inventory record at the place of business covered thereby. In the case of a consolidated return, or when one return is filed on behalf of a controlled group, the return shall be kept at the taxpayer's principal place of business with a copy of each inventory record supporting the tax return, and a copy of the inventory record shall also be kept at the specific place of business to which the inventory pertains.

Retention period: At least 3 years after the date of filing of the floor stocks tax return, and shall be available for inspection by ATF officers. The Regional Director (Compliance) may require an additional 3 years if retention is deemed to be necessary or desirable.

296.197 Persons (including controlled groups) liable for floor stocks tax on cigarettes held for sale on Jan. 1, 1991 and on Jan. 1, 1993. [Added]

To make and retain a list showing the address of each place of business where cigarette subject to floor stocks tax is held; names, addresses and employer identification number; and the number and tax category of cigarettes so held at each place.

296.198 Persons liable for floor stocks tax on cigarettes held for sale on Jan. 1, 1991 and on Jan. 1, 1993. [Added]

See 27 CFR 170.112.

296.199 Persons liable for floor stocks tax on cigarettes held for sale on Jan. 1, 1991 and on Jan. 1, 1993. [Added]

See 27 CFR 170.112.

LABOR DEPARTMENT

Wage and Hour Division

29 CFR

504.310 Facilities using nonimmigrant aliens as registered nurses (H-1 or H-1A). [Added]

See 20 CFR 655.310.

504.350 Facilities using nonimmigrant aliens as registered nurses (H-1 or H-1A). [Added]

See 20 CFR 655.350.

504.400 Facilities using nonimmigrant aliens as registered nurses (H-1 or H-1A). [Added]

See 20 CFR 655.350.

516.31 Employers of industrial homeworkers.

To maintain and preserve payroll or other records containing the following

information and data: (a) Date on which work is given out or begun by worker, and amount of such work given out or begun; (b) date on which work is turned in by worker, and the amount of such work; (c) kind of articles worked on and operation performed; (d) piece rates paid; (e) hours worked on each lot of work turned in; (f) wages paid for each lot of work turned in; (g) name and address of each agent, distributor, or contractor through whom homework is distributed or collected and the name and address of each homeworker or from whom it is collected by each such agent, distributor, or contractor, and (k) homeworkers handbook.

Retention period: 2 and 3 years.

517.206 Employers subject to the training wage provisions of Fair Labor Standards Amendments Act of 1989. [Added]

For second 90-day period of eligibility, to maintain the original or a copy of the training program(s), including any revisions.

Retention period: 2 years after the last day on which an individual was employed at the training wage pursuant to such training program(s).

524.10 Employers subject to Fair Labor Standards Act employing handicapped workers. [Removed, 1989]

525.13 Sheltered workshops (as defined in 29 CFR 525.2(b)). [Revised, 1989; record retention requirements now in 525.16]

525.16 Employers, referring agencies or facilities of workers employed under special minimum wage certificates.

To maintain records indicating (a) verification of the workers' disabilities; (b) evidence of the productivity of each worker with a disability gathered in a continuing basis or at periodic intervals (not to exceed six months in the case of employees paid hourly wage rates); (c) the prevailing wages paid workers not disabled for the job performed who are employed in industry in the vicinity for essentially the same type of work using similar methods and equipment as that used by each worker with disabilities employed under a special minimum wage certificate; (d) the production standards and supporting documentation for nondisabled workers for each job being performed by workers with disabilities employed under special certificates; and (e) certain records required under all of the applicable provisions of 29 CFR Part 526.

Retention period: See 29 CFR Part 516.

545.7 Employers of homeworkers in industries in Puerto Rico. [Removed]

695.6 Employers of homeworkers in industries in the Virgin Islands. [Removed]

801.30 Employers/examiners subject to the Employee Polygraph Protection Act of 1988.

(a) To retain a copy of the statement that sets forth the specific incident or activity under investigation and the basis for testing that particular employee if an employee is requested to submit to a polygraph examination in connection with an ongoing investigation involving economic loss or injury.

(b) To maintain records specifically identifying the loss or injury in question and the nature of the employee's access to the person or property that is the subject of the investigation.

(c) To maintain all opinions, lists, and other records relating to polygraph tests of such persons. In addition, to maintain records of the number of examinations conducted each day and, with regard to tests administered to persons identified by their employer and the duration of each test period and other such records as specified in cited section.

Retention period: 3 years.

Occupational Safety and Health Administration

29 CFR

1910.66 Building owners of all powered platform installations.

To maintain certification record which contains the date the work was performed, the signature of the person who performed the work, and an identifier for the equipment or installation which was tested or inspected. Records shall be kept readily available for review by the Assistant Secretary's representatives and by the employee.

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.).

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.

1910.450 Employers engaged in laboratory use of hazardous chemicals. [Added]

(a) To maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that these material safety data sheets are accessible to laboratory employees.

(b) To establish and maintain for each employee an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required.

Retention period: In accordance with 29 CFR 1910.20.

1910.1450, Appendix A Employers engaged in laboratory use of hazardous chemicals. [Added]

To maintain records of (a) the amounts of chemicals of moderate chronic or high acute toxicity on hand, amounts used and the names of the workers involved; (b) amounts of these substances stored and used, the dates of use, and names of users; (c) accidents; (d) chemical hygiene plan that document that the facilities and precautions were compatible with current knowledge and regulations; (e) inventory and usage records for high-risk substances and medical records in accordance with state and federal requirements.

1926.550 Employers subject to crane and derrick standards.

To maintain on file the most recent certification records which include date the crane items were inspected; the signature of the person who inspected the crane items; and a serial number or other identifier, for the crane inspected.

Retention period: Until a new certification is prepared.

1926.652 Employers subject to the excavation occupational safety and health standards.

To maintain at the jobsite one copy of the tabulated data which identifies the registered professional engineer who approved the data and at least one copy of the design.

Retention period: During the construction of the protective system and after that time the data and design may be stored off the jobsite, but a copy shall be made available to the Secretary upon request.

1926.800 Employers subject to underground construction standards.

(a) To maintain record of all air quality tests above ground at the workshop and make available these

records to the Secretary upon request. The records shall include the location, date, time, substance and amount monitored.

Retention period: Until completion of the project.

(b) To maintain records of exposures to toxic substances in accordance with 29 CFR 1910.20.

PENSION BENEFIT GUARANTY CORPORATION

29 CFR

2610.11 Pension plan administrators (with respect to plan years beginning on or after Jan. 1, 1988).

To retain certain documentation (all plan records including calculations and other data prepared by an enrolled actuary or, for a plan described in section 412(i) of the Code, by the insurer from which the insurance contracts are purchased) needed to support or to validate premium payments. Records must include but not limited to records that establish the number of plan participants, that reconcile the calculation of the plan's unfunded vested benefits with the actuarial valuation upon which the calculation was based, and for plans that assert entitlement to the reduction in the cap on the variable rate portion of the premium that demonstrate the methods and assumptions used by the plan during the base period with respect to calculating its maximum deductible contribution pursuant to section 404 of the Code.

Retention period: For a period of 6 years after the premium due date.

LABOR DEPARTMENT

Mine Safety and Health Administration

30 CFR

25.10 Applicants authorize to use multiple-shot blasting units in coal mines. [Removed, 1989; effective Jan. 22, 1991]

INTERIOR DEPARTMENT

Minerals Management Service

30 CFR

206.253 Lessees of Federal coal leases and Indian (Tribal and allotted) coal leases (except leases on the Osage Indian Reservation, Osage Co., Okla.).

To maintain accurate records to determine to which individual Federal or Indian lease coal in the waste pit or slurry pond should be allocated.

Retention period: Not specified.

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

See 212.51.

250.20 Lessees exploring, developing, producing, and transporting oil, gas, and sulphur in the Outer Continental Shelf. [Added]

To maintain records of inspection, testing, maintenance, and crane operator qualifications in accordance with the provisions of API RP 2D at the field office nearest the OCS facility.

Retention period: 2 years.

250.182 Lessees exploring, developing, producing, and transporting oil, gas, and sulphur in the Outer Continental Shelf.

To maintain well test data.

Retention period: 2 years.

282.29 Lessees performing operations in the Outer Continental Shelf for minerals, other than oil, gas, and sulphur.

(a) To maintain records that include logs of all strata penetrated and conditions encountered, such as minerals, water, gas, or unusual conditions, and copies of analysis of all samples analyzed.

(b) To maintain records in which will be kept an accurate account of all ore and rock mined; all mineral products sold, transferred, used, or otherwise disposed of and to whom sold or transferred, and the inventory weight, assay value, moisture content, base sales price, dates, penalties, and price received.

TREASURY DEPARTMENT

Monetary Offices

31 CFR

103.29 Financial Institutions; Bank Secrecy Act. [Added]

To maintain a chronological log for each calendar month for each issuance or sale of one or more bank check or draft, cashier's check, money order or traveler's check for \$3,000 or more in currency.

Retention period: 5 years.

103.33 All financial institutions.

To maintain either the original or a copy of records of (a) extensions of credit exceeding \$10,000, except those secured by real property; and (b) advice, request, or instruction, received or given to another financial institution or person, regarding a transaction resulting in the transfer of more than \$10,000 to a person, account, or place outside the United States.

Retention period: 5 years.

103.36 Casinos subject to the Bank Secrecy Act.

To maintain a record of social security number of the person involved when funds are deposited; account is opened or credit is extended; and other such records as specified in section cited.

Retention period: 5 years.

103.38 All financial institutions.

To keep records as specified in 31 CFR Part 103.

Retention period: 5 years.

129.3 Persons subject to the portfolio investment survey regulations.

To maintain all information required by the International Investment and Trade in Services Survey Act (22 USC 3104(b)(1)).

Retention period: 3 years from the date of submission of any reports or other information required pursuant to the Act, or for such shorter period as may be specified in the reporting form and/or accompanying instructions.

Office of Foreign Assets Control**31 CFR****570.601 Persons engaged in transactions subject to the Kuwait Assets Control regulations. [Added]**

To keep full and accurate records of each such transactions in which that person engages, regardless whether such transaction is effected pursuant to license or otherwise.

Retention period: 2 years after the date of such transaction.

TRANSPORTATION DEPARTMENT**Coast Guard****33 CFR****154.740 Operators of oil transfer facilities. [Amended]**

To maintain (a) letter of intent, name of person in charge of transfer, operations, equipment, tests and inspections, hose, information, facility inspection record; (b) signed copy of each declaration of inspection for facility; (c) records of all repairs made within the last three years involving any component of the facility's vapor control system; (d) records of all automatic shut downs of the facility's vapor control system within the last 3 years; and (e) plans, calculations, and specifications of the facility's vapor control system certified under 33 CFR 154.804.

Retention period: (a) Not specified; (b) 1 month from date of signature; (c)-(e) 3 years.

154.804 Operators of oil transfer facilities. [Added]

To maintain at the facility, any certifications issued, copies of plans, calculations, and specifications for the vapor control system.

EDUCATION DEPARTMENT**34 CFR****86.103 Institutions of higher education (IHE's); drug prevention program. [Added]**

To maintain, at a minimum, a copy of materials distributed and any additional materials on its drug prevention program made available to students and employees; records indicating that these materials were distributed to each of the IHE's students and employees; and the results of the IHE's annual evaluation of its drug prevention program.

Retention period: 3 years after the first fiscal year in which the records were created, or until litigation, claim, negotiation, audit or other actions involving the records have been resolved.

86.204 State and local educational agencies; drug prevention program. [Added]

To maintain records on the (a) elements of its drug prevention program, including the results of its biennial review; (b) personal records, documents; and (c) any other information related to compliance with the certification.

Retention period: 3 years after the fiscal year in which the records were created or until litigation, claim, negotiation, audit, or other actions involving the records have been resolved.

200.43 State educational agencies and other agencies receiving funds to meet the special educational needs of educationally deprived children (Part A, Chapter 1).

To maintain annual records documenting compliance with the comparability of services requirements.

200.71 State educational agencies and other agencies receiving funds to meet the special educational needs of educationally deprived children (Part A, Chapter 1).

To maintain contemporaneous time distribution records reflecting the actual amount of time the employee spends on the program.

204.10 State educational agencies and other agencies receiving funds under Chapter 1 of the Education Consolidation and Improvement Act of 1981.

(a) To maintain records of the amount and disposition of all Chapter 1 funds, including records that show the share of the cost provided from non-Chapter 1 sources.

(b) To maintain other records that are needed to facilitate an effective audit of Chapter 1 project and that show compliance with Chapter 1 requirements; and

(c) To maintain evaluation data collected under Chapter 1.

Retention period: 5 years, or until all audit findings have been resolved.

VETERANS AFFAIRS DEPARTMENT**38 CFR****17.51 Privately or publicly-owned community residential care facilities.**

To maintain records on each resident in a secure place. Such records must include (a) a copy of all signed agreements with the resident; (b) emergency notification procedures; and (c) a copy of the statement of needed care.

Retention period: Not specified.

36.4215 Holders of loans for manufactured homes and/or lots. [Amended]

(a) To keep records of payments received, disbursements chargeable thereto, and dates thereof.

Retention period: Until Administrator ceases to be liable for loan.

(b) To retain copies of all loan origination records on VA guaranteed loan. (Loan origination records include the loan application, including any preliminary applications, verifications of employment and deposit, all credit reports, including preliminary credit reports, copies of each sales contract and addendums, letters of explanations for adverse credit items, discrepancies and the like, direct references from creditors, correspondence with employers, appraisal reports, reports on other inspections of property, and all closing papers and documents).

Retention period: For at least one year from the date of loan closing.

36.4330 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code. [Amended]

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan.

ENVIRONMENTAL PROTECTION AGENCY**40 CFR****31.20 State and local governments receiving Federal grants and cooperative agreements. [Added]**

To maintain accounting records which adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to grant or subgrant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures, and income.

Retention period: See 7 CFR 3016.2.

35.6250 Recipients of CERCLA-funded cooperative agreements and Superfund State Contracts.

(a) To maintain a recordkeeping system that consists of complete site-specific files containing documentation of costs incurred.

(b) To maintain records to comply with the requirements of 40 CFR 35.6700, 35.6705, and 35.6710 and requirements of source documentation described in 40 CFR 31.20(b)(6).

Retention period: 10 years following submission of the final Financial Status Report for the site, or until resolution of all issues arising from litigation, claim, negotiation, audit, cost recovery, or other actions, whichever is later. Written approval must be obtained from the EPA award official before destroying any records.

35.6270 Recipients of CERCLA-funded cooperative agreements and Superfund State Contracts. [Added]

To maintain a recordkeeping system that enables site specific costs to be tracked by site, activity, and operable unit, as applicable, and provides sufficient documentation for cost recovery purposes. In addition, to comply with the requirements regarding records described in 40 CFR 31.20, 35.6700, 35.6705, and 35.6710.

35.6335 Recipients of CERCLA-funded cooperative agreements and Superfund State Contracts. [Added]

To maintain property records for CERCLA-funded property which include the contents specified in 40 CFR 35.6700.

35.6700 Recipients of CERCLA-funded cooperative agreements and Superfund State Contracts. [Revised]

To maintain an administrative record consistent with section 113 of CERCLA, the National Contingency Plan, and relevant EPA policy and guidance. In addition:

(a) To maintain project records by site, activity, and operable unit, as applicable.

(b) To maintain property, financial and procurement records.

(c) To maintain time and attendance records and supporting documentation; documentation of compliance with statutes and regulations that apply to the project; and the number of site-specific technical hours spent to complete each pre-remedial product.

Retention period: 10 years following submission of the final Financial Status Report for the site, or until resolution of all issues arising from litigation, claim, negotiation, audit, cost recovery or other actions, whichever is later. Written approval must be obtained from the EPA award official before destroying any records.

35.6705 Recipients of CERCLA-funded cooperative agreements and Superfund State Contracts. [Revised]

To maintain all financial and programmatic records, supporting documents, statistical records, and other records which are required by 40 CFR 35.6700, program regulations, or the cooperative agreement, or are otherwise reasonably considered as pertinent to program regulations or the cooperative agreement.

Retention period: 10 years following submission of the final Financial Status Report for the site, or until resolution of all issues arising from litigation, claim, negotiation, audit, cost recovery, or other actions, whichever is later. Written approval must be obtained from EPA award official before destroying any records.

35.6710 Recipients of CERCLA-funded cooperative agreements and Superfund State Contracts. [Added]

To maintain records as required by 40 CFR 35.6705. To also comply with records access requirements described in 40 CFR 31.36 (i)(10) and 31.42(e).

51.19 Owners and operators of stationary sources emitting air pollutants for which a national standard is in effect. [Removed]**51.214 Owners or operators of each source subject to continuous emission monitoring and recording requirements. [Added]**

To maintain a file of all pertinent information (emission measurements, continuous monitoring system, performance testing measurements, performance evaluations, calibration checks, and adjustments and maintenance performed on such monitoring systems) and other reports as required by 40 CFR Part 51, Appendix P.

Retention period: 2 years following the date of collection of information.

Part 51, Appendix P Owners or operators of affected facilities subject to continuous emission monitoring and recording requirements. [Added]

To maintain a file of all information reported in the quarterly summaries, and all other data collected either by the continuous monitoring system or as necessary to convert monitoring data to the units applicable standard.

Retention period: For a minimum of two years from the date of collection of such data or submission of such summaries.

52.741 Affected facilities; control strategy ozone control measures in certain counties in Illinois. [Added]

To maintain a copy of the results of the appropriate test methods and capture efficiency protocols.

Retention period: 3 years.

52.741 Owners or operators of coating operations. [Added]

To maintain each day at the facility the following records on:

(a) The name and identification number of each coating as applied on each coating line;

(b) The weight of VOM per volume of each coating (minus water and any compounds which are specifically exempted from the definition of VOM) as applied each day on each coating line; and

(c) All records necessary to calculate the daily-weighted average VOM content from the coating line in accordance with the proposal submitted and other such information as specified in cited section.

Retention period: 3 years.

52.741 Owners or operators of subject flexographic, packaging rotogravure or publication rotogravure printing lines. [Added]

To maintain each day for each coating line the following records on:

(a) The name and identification number of each coating and ink as applied on each printing line;

(b) The VOM content of each coating and ink as applied each day on each printing line;

(c) Any record showing violation of 40 CFR 52.741(h)(1)(i);

(d) Control device monitoring data;

(e) A log of operating time for the capture system, control device, monitoring equipment, and the associated printing line; and

(f) A maintenance log for the capture system, control device, and monitoring equipment detailing all routine and

nonroutine maintenance performed including dates and duration of any outages.

Retention period: 3 years.

52.741 Owners or operators of pharmaceutical manufacturing facilities. [Added]

To maintain the following records on:

- (a) Air pollution control parameters;
- (b) Vapor pressure of VOM being controlled;
- (c) For any leak which cannot be readily repaired within one hour after detection: (1) The name of the leaking equipment; (2) the date and time the leak is detected; (3) the action taken to repair the leak; and (4) the data and time the leak is repaired;
- (d) Maintenance and inspection records for emission sources; and other such information as specified in cited section.

Retention period: 2 years.

52.741 Owners or operators of paint or ink manufacturing plants. [Added]

- (a) To keep at the plant records of leak when detected. Such records shall contain the date of detection and repair.

Retention period: 2 years from the date of each detection or each repair attempt.

- (b) To maintain at the facility records necessary to demonstrate compliance with emission source requirements.

Retention period: 3 years.

- (c) To maintain records which include (but are not limited to) the percent of water (by weight) in the paint or ink being produced and the quantity of Mangle oil, glycol, and other solvents in the ink being produced.

Retention period: 3 years.

52.741 Owners or operators of non-CTG sources-exempt emission sources. [Added]

To maintain the following information at the facility:

- (a) Control devices monitoring data;
- (b) A log of operating time for the capture system, control device, monitoring equipment and the associated emission source; and
- (c) A maintenance log for the capture system, control device and monitoring equipment detailing all routine and non-routine maintenance performed including dates and duration of any outages.

Retention period: 3 years.

60.48c Owners or operators of affected facilities subject to the sulfur dioxide emission limits, fuel oil sulfur limits, or percent reduction requirements. [Added]

To keep records, as applicable, on control devices; excess emission; results of emission tests, fuel sampling and

analysis results; date of construction or reconstruction; anticipated startup and actual startup; and fuel supplier certification; amounts of each fuel combusted during each day; and other such information as specified in cited section.

Retention period: 2 years following date of such records.

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

- (a) If monitoring of steam generating unit operating condition plan is approved, to maintain records of predicted nitrogen oxide emission rates and the monitored operating conditions, including steam generating unit load, identified in the plan.
- (b) To maintain records of the amounts of all fuels fired during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for each calendar year.
- (c) To maintain records of the nitrogen content of the oil residual combusted in the affected facility and calculate the average fuel nitrogen content on a per calendar quarter basis.
- (d) To maintain records of opacity for facilities subject to the opacity standard under 40 CFR 60.43b.
- (e) To maintain records on the calendar date, the average hourly nitrogen oxides emission rates measured or predicted and other information as specified in section cited for each steam generating unit operating day for facilities subject to nitrogen oxide standards under 40 CFR 60.44(b).

Retention period: 2 years following date of record.

- (f) To maintain records of the following information for each steam generating unit operating day: (1) Calendar date; (2) the number of hours of operation; and (3) a record of the hourly steam load.

60.545 Owners or operators of tread end cementing operation and green tire spraying operation using water-based cements or sprays containing less than 1.0 percent by weight of VOC.

To maintain records of formulation data or the results of Method 24 analysis conducted to verify the VOC contents of the spray.

Retention period: Not specified.

60.565 Owners or operators of polypropylene, polyethylene, polystyrene, and poly-(ethylene terephthalate) manufacturing plants. [Added]

To maintain up-to-date, readily accessible records of the performance

tests and other such information as specified in cited section.

Retention period: 2 years.

60.615 Owners or operators of new, modified, and reconstruction air oxidation facilities. [Added]

To keep up-to-date, readily accessible continuous records of (a) the equipment operating parameters specified to be monitored under 40 CFR 60.613(a) and (c) as well as up-to-date, readily accessible records of periods of operation during which the parameter boundaries established during the most recent performance data are exceeded; (b) the flow indication specified under 40 CFR 60.613(a)(2), 60.613(b)(2), and 60.613(c)(1), and (c) records of all periods when the vent stream is diverted from the control device or has no flow rate; and other such records as specified in cited section.

60.665 Owners or operators of new, modified, and reconstituted distillation facilities. [Added]

See 40 CFR 60.615.

60.744 Owners or operators of new, modified and reconstructed facilities that perform polymeric coating of supporting substrates.

To maintain records of the measurements and calculations required in 40 CFR 60.743 and 60.744.

Retention period: For at least 2 years following the date of the measurements and calculations.

60.747 Owners or operators of new, modified and reconstructed facilities that perform polymeric coating of supporting substrates.

To maintain records documenting compliance by the methods described in 40 CFR 60.743(a)(1), (a)(2), (a)(4), (b), or (c).

Retention period: At least 2 years.

61.25 Owners or operators of underground uranium mines.

To maintain records documenting the source of input parameters including the results of all measurements upon which they are based, the calculations and/or analytical methods used to derive values for input parameters, and the procedure used to determine compliance. In addition, the documentation should be sufficient to allow an independent auditor to verify the accuracy of the determination made concerning the facility's compliance with the standard.

Retention period: 5 years. Records must be made available for inspection by the Administrator or his authorized representative.

61.26 Owners or operators of underground uranium mines. [Revised, 1989; record retention requirements now in 61.25]

61.123 Owners and operators of calciners and nodulizing kilns at elemental phosphorous plants. [Revised, 1989; record retention requirements now in 61.124]

61.124 Owners or operators of calciners and nodulizing kilns at elemental phosphorous plants.

See 40 CFR 61.25.

61.138 Owners or operators of coke by-product recovery plants.

(a) To maintain records pertaining to the design of control equipment installed to comply with 40 CFR 61.132 through 61.134.

(b) To maintain records pertaining to sources subject to 40 CFR 61.132 and 61.133. Such records shall contain the date of the inspection and the name of the inspector; a brief description of each visible defect in the source or control equipment and the method and date of repair of the defect; the date of attempted and actual repair and method of repair of the leak; and a brief description of any system abnormalities found during the annual maintenance inspection, the annual maintenance inspection, the repairs made, the date of attempted repair, and the date of actual repair.

Retention period: 2 years following each semiannual (and other) inspection and each annual maintenance inspection.

61.142 Owners or operators of asbestos mills. [Added]

To maintain records of the results of visible emission monitoring and air cleaning device inspections.

Retention period: 2 years.

61.144 Manufacturers of operations using commercial asbestos. [Added]

See 40 CFR 61.142.

61.145 Owners or operators of asbestos demolition and renovation operations. [Added]

To keep daily temperature records during periods when wetting operations are suspended due to freezing temperature. The owner or operator must record the temperature in the area containing the facility components at the beginning, middle, and end of each workday.

Retention period: 2 years.

61.147 Owners or operators of demolition and renovation operations—asbestos emission control. [Added]

See 40 CFR 61.142.

61.149 Owners or operators of asbestos mills. [Added]

(a) To keep records temperatures recorded at hourly intervals, during periods when wetting operations are suspended.

Retention period: At least 2 years in a form suitable for inspection.

(b) To retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site.

Retention period: 2 years.

61.150 Owners or operators of asbestos waste disposal manufacturing, fabricating, demolition, renovation, and spraying operations. [Added]

See 40 CFR 61.149.

61.154 Owners or operators of active waste disposal sites receiving asbestos-containing waste material. [Added]

(a) To maintain waste shipment records.

Retention period: 2 years.

(b) To maintain records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

Retention period: Until closure.

61.155 Owners or operators of operations that convert regulated asbestos-containing material (RACM) and asbestos-containing waste material into nonasbestos (asbestos-free) material. [Added]

To maintain on-site records of (a) the results of start-up performance testing and all subsequent performance testing, including operating parameters, feed characteristic, and analyses of output materials; (b) results of the composite analyses required during the initial 90 days of operation; (c) results of the monthly composite analyses; (d) results of continuous monitoring and logs of process operating parameters; (e) the information on waste shipments received; and (f) for output materials where no analyses were performed to determine the presence of asbestos, records of the name and location of the purchaser or disposal site to which the output materials were sold or deposited, and the date of sale or disposal.

Retention period: 2 years.

61.204 Owners and operators of the phosphogypsum that is produced as a result of phosphorus fertilizer production and all that is contained in existing phosphogypsum stacks.

See 40 CFR 61.25.

61.224 Owners and operators of all sites that are used for the disposal of uranium mill tailings.

See 40 CFR 61.25.

61.246 Owners or operators of sources intended to operate in volatile hazardous air pollutant (VHAP) service.

(a) To keep records in a log of each leak as specified in 40 CFR 61.242-2, 61.242-3, 61.242-7.

Retention period: 2 years.

(b) To maintain records, in a log, pertaining to all equipment subject to the requirements in 40 CFR 61.242-1 to 40 CFR 61.242-11 and all other records as specified in cited section.

61.255 Owners or operators of facilities byproduct materials during and following the processing of uranium ores, commonly referred to as uranium mills and their associated tailings.

See 40 CFR 61.25

61.276 Owners or operators with a storage vessel subject to the national emission standard for benzene emissions.

(a) To keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel.

Retention period: As long as the storage vessel is in operation.

(b) To keep records pertaining to closed vent system and control devices in a readily accessible location.

Retention period: 2 years.

61.305 Owners or operators of affected facilities subject to the standards for benzene waste operations and benzene transfer operations. [Added]

To maintain an up-to-date readily accessible records of data measured during the performance test, equipment operating parameters, and flare pilot flame monitoring.

Retention period: 2 years from the date the information is recorded.

61.356 Owners or operators of facilities subject to the standards for benzene waste operations. [Added]

(a) To maintain records that identify each waste stream (records shall include all test results, measurements, calculations, and other necessary documentation).

(b) To maintain documentation for each waste shipment that includes the date waste is shipped offsite, quantity of waste shipped offsite, name and address of the facility receiving the waste, and a copy of the notice sent with the waste shipment.

(c) To maintain engineering design documentation for all control equipment that is installed on the waste

management unit, and other such information as specified in cited section.

Retention period: (a) and (b) 2 years from the date the information is recorded unless otherwise specified. (c) For the life of the control equipment.

80.27 Distributors, resellers, carriers, retailers, and wholesale purchaser-consumers of gasoline and alcohol blends volatility.

To maintain each invoice, loading ticket, bill lading, delivery ticket and other documents which accompany the shipment of such gasoline. Such documents shall be available for inspection by the Administrator or authorized representative during such period.

Retention period: 1 year.

82.13 Importers of certain chlorofluorocarbons (CFC's) and brominated compounds (halons) to reduce the risk of stratospheric ozone depletion.

To maintain records on (a) the quantity of each controlled substances imported, either alone or in mixtures; (b) the quantity of each controlled substances were imported; (c) the port of entry through which the controlled substances passed; (d) the country from which the imported controlled substances were imported; the port of exit; and other information as specified in cited section.

Retention period: 3 years.

82.13 Importers of certain chlorofluorocarbons (CFC's) and brominated compounds (halons) to reduce the risk of stratospheric ozone depletion.

To maintain (a) dated records of the quantity of each of the controlled substances produced at each facility; (b) dated records of the quantity of controlled substances used as a feedstocks in the manufacture of controlled and non-controlled substances introduced into the production process of new controlled substances at each facility; (c) dated records of the quantity of HCFC-22 and CFC-116 produced with each facility also producing controlled substances; and (d) other records as specified in cited section.

82.13 Persons requesting additional production allowances in addition to baseline production allowances or producers who purchase controlled substances used or consumed as feedstock for other substances (chlorofluorocarbons and halons). [Added]

To maintain (a) dated records of the quantity and calculated level of controlled substance used and entirely consumed in the manufacture of another chemical; (b) copies of the invoices or receipts documenting the

sale from the producer or importer of the controlled substance to the person; (c) dated records of the names, commercial use and quantities of the resulting chemical(s); and (d) dated records of shipments to purchasers of the resulting chemicals.

Retention period: 3 years.

86.090-7 Manufacturers of new motor vehicles (or new motor vehicle engines) subject to the emission standards or procedures. [Added]

To maintain general and individual records consisting of:

(a) Identification and description and certification vehicles (or certification engines) for which testing is required;

(b) A description of all emission control systems which are installed on or incorporated in each certification vehicle (or certification engine);

(c) A description of all procedures used to test each certification vehicle (or certification engine);

Note: A properly filed application for certification following the format prescribed by the EPA for the appropriate model year may be considered records.

(d) A brief history of each motor vehicle (or motor vehicle engine) used for certification;

(e) All emission tests performed (except tests performed by EPA directly), including tests results, the date and purpose of each test, and the number of miles accumulated on the vehicle or the number of hours accumulated on the engine;

(f) The date of each mileage (or service) accumulation run, listing the mileage (or the number of operating hours) accumulated.

Retention period: 6 years after issuance of all certificates of conformity. Routine emission test records—1 year after issuance of all certificates.

86.090-7 Manufacturers (or contractors for the manufacturers, if applicable) of new vehicles or engines certified under any of the averaging or banking programs. [Added]

To maintain adequately organized and indexed records containing the following:

(a) EPA engine family;

(b) Vehicle (or engine) model year and build date;

(c) Vehicle (or engine) identification number;

(d) BHP rating (heavy duty only);

(e) Purchaser and destination;

(f) Assembly plant; and other such information as specified in cited section.

Retention period: 6 years from the due date for the end-of-model year report.

86.091-7 Manufacturers of new motor vehicles (or new motor vehicle engines) subject to the emission standards or procedures. [Added]

See 40 CFR 86.090-7.

86.091-15 Manufacturers of heavy-duty engines eligible for the nitrogen and particulate averaging, trading, and banking programs. [Added]

To maintain the quarterly records required by 40 CFR 86.091-7(c)(8).

86.107-90 Manufacturers of petroleum-fueled and methanol-fuel light-duty vehicles and light-duty trucks.

(a) To maintain permanent records of results at the initiation and termination of each diurnal or hot soak in measuring hydrocarbon (hydrocarbons plus methanol as appropriate).

(b) For the methanol sample to maintain permanent records of the following: (1) The volumes of deionized water introduced into each impinger; (2) the rate and time of sample collection; (3) the volumes of each sample introduced into the gas chromatograph; (4) the flow rate of carrier gas through the carrier; and (5) the chromatogram of the analyzed sample.

86.142-90 Manufacturers of 1977 and later motor year new light-duty vehicles and new light-duty trucks subject to emission test procedures.

To maintain for each test: (a) Test number; (b) system or device tested (brief description); (c) date and time of day for each part of the test schedules; (d) instrument operated; (e) driver or operator; (f) vehicle ID number, manufacturer, model year, standard, engine family, evaporative emissions family, basic engine description; and such other information as cited in section.

86.605 Manufacturers of new gasoline-fueled and diesel light-duty vehicles and new gasoline-fueled and diesel light-duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations.

To maintain general and individual records relating to vehicle emission tests performed pursuant to test orders as specified in the section cited.

Retention period: 1 year after completion of tests.

86.608-88 Manufacturers of new gasoline-fueled and diesel light-duty vehicles and new gasoline-fueled and diesel light-duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations.

To maintain equivalency documentation if using an equivalent method when measuring the temperature of the test fuel at other than

the approximate mid-volume of the fuel tank and when draining the test fuel from other than the lowest point of the tank.

Retention period: 1 year after completion of all testing in response to a test order.

86.1005-88 Manufacturers of new gasoline-fueled and diesel heavy-duty vehicles and new gasoline-fueled and diesel heavy-duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations.

To maintain general and individual records relating to vehicle emission tests performed pursuant to test orders as specified in the section cited.

Retention period: 1 year after completion of tests.

86.1005-90 Manufacturers of new petroleum-fueled or methanol-fueled heavy duty or engine or light-duty trucks.

To maintain testing and auditing records as specified in section cited.

Retention period: 1 year after completion of all testing in response to a test order.

86.1008-88 Manufacturers of new gasoline-fueled and diesel heavy-duty vehicles and new gasoline-fueled and diesel heavy-duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations.

See 40 CFR 86.608-88.

86.1008-90 Manufacturers of new petroleum-fueled or methanol-fueled heavy-duty engines or light-duty trucks.

To maintain and make available to the EPA Administrator upon request, equivalency test documentation.

86.1242-90 Manufacturers of new gasoline-fueled and methanol-fueled heavy duty vehicles.

See 40 CFR 86.142-90.

122.21 Persons holding or applying for permits to discharge wastes pursuant to the national pollutant discharge elimination program.

To maintain records of all information resulting from monitoring activities and relating to all sludge-related application data and other such information as indicated in section cited.

Retention period: 5 years (or longer as required by 40 CFR Part 403), except for records of monitoring information—3 years.

142.14 State agencies having primary enforcement responsibilities over public water.

To maintain records of tests, measurement, analyses, decisions, and determinations performed on each

public water system to determine compliance with applicable provisions of State primary drinking water regulations.

Retention period: (a) Records of turbidity measurements—for less than 1 year; (b) records of disinfectant residual measurements and other parameters necessary to document disinfection effectiveness and applicable reporting requirements—not less than 1 year; (c) records of decisions—40 years or until 1 year after the decision is reversed or revised; (d) records of any determination that a public water system supplied by a surface water source or a ground water source under the direct influence of surface water is not required to provide filtration treatment—40 years or until withdrawn; (e) records of analyses for contaminants other than microbiological contaminants (including total coliform, fecal coliform, and heterotrophic plate concentration, other parameters necessary to determine disinfection effectiveness (including temperature and pH measurements) and turbidity—40 years; (f) records of microbiological analyses of repeat or special samples—1 year in the form of actual laboratory reports or in an appropriate summary form; and (g) records of decisions made pursuant to the total coliform provisions of 40 CFR Part 141—5 years.

160.29 Testing facilities conducting studies that support applications for research or marketing permits for pesticides regulated by EPA.

To maintain a current summary of training and experience and job description for each individual engaged in or supervising the conduct of a study.

Retention period: 5 years.

160.63 Testing facilities conducting studies that support applications for research or marketing permits for pesticides regulated by EPA.

To maintain written records of all inspection, maintenance, testing, calibrating, and/or standardizing operations. Also to maintain written records of nonroutine repairs performed on equipment as a result of failure and malfunction.

Retention period: 2 years.

160.81 Testing facilities conducting studies that support applications for research or marketing permits for pesticides regulated by EPA.

To maintain historical file of standard operating procedures and all revisions thereof, including the dates of such revisions.

Retention period: In accordance with 40 CFR 160.195.

160.120 Testing facilities conducting studies that support applications for a research or marketing permits for pesticides regulated by EPA.

To maintain with the protocol records of all changes in or revisions of an approved protocol and the reasons therefore.

Retention period: In accordance with 40 CFR 160.195.

160.195 Testing facilities conducting studies that support applications for research or marketing permits for pesticides regulated by EPA.

(a) To maintain documentation records, raw data, and specimens pertaining to a study and required to be retained.

Retention period: (1) In the case of a study used to support an application for a research or marketing permit approved by EPA, the period during which the sponsor holds any research or marketing permit to which the study is pertinent. (2) A period of at least 5 years following the date on which the results of the study are submitted to the EPA in support of an application for research marketing year. (3) In other situations (e.g. where the study does not result in the submission of the study in support of an application for a research or marketing permit), a period of at least 2 years following the date on which the study is completed, terminated, or discontinued.

(b) Wet specimens, samples of test, control, or reference substances, and specially prepared material which are relatively fragile and differ markedly in stability and quality during storage shall be retained only as long as the quality of the preparation affords evaluation.

(c) To maintain the master schedule sheet, copies of protocols and records of quality assurance inspections in accordance with 40 CFR 160.195(b).

(d) To maintain summaries of training and experience and job description in accordance with 40 CFR 160.195(b).

259.54 Generators of medical waste, including generators of less than 50 pounds per month. [Amended]

(a) To keep a copy of each tracking form signed in accordance with 40 CFR 259.52

Retention period: For at least 3 years from the date the waste was accepted by the initial transporter.

(b) To retain a copy of all exception reports required to be submitted under 40 CFR 259.55(c).

Retention period: 3 years from when the exception report was submitted.

(c) To maintain a shipment log at the original generation point.

Retention period: For a period of 3 years from the date the waste was shipped.

(d) To maintain a shipment log at each central collection point and other such records as specified in cited section.

Retention period: For a period of 3 years from the date that regulated medical waste was accepted from each original generation point.

259.55 Generators of medical waste including generators of less than 50 pounds per month. [Added]

To maintain a copy of the exception report.

Retention period: For a period of 3 years from the due date of the report.

259.61 Generators of regulated medical waste who incinerate regulated medical waste on-site. [Added]

(a) To keep an operating log at the incineration facility.

Retention period: From June 22, 1989 to June 22, 1991.

(b) To maintain the following information for each shipment of regulated medical waste accepted:

- (1) The date the waste was accepted;
- (2) The name and State permit or identification number of the generator who originated the shipment. If the State does not issue permit or identification numbers, then the generators' address;
- (3) The total weight of the regulated medical waste accepted from the originating generator; and
- (4) The signature of the individual accepting the waste.

Retention period: Until at least June 22, 1992.

(c) To keep copies of all tracking forms if subject to the tracking form requirements.

Retention period: 3 years from the date the waste was accepted.

(d) To retain a copy of the on-site incinerator report form.

Retention period: For 3 years from the date of submission.

259.76 Transporters of medical waste.

To retain a copy of each tracking form in accordance with 40 CFR 259.77.

259.77 Transporters of regulated medical waste. [Amended]

(a) To keep a copy of the tracking form signed by the generator, the previous transporter (if applicable), and the next party, which may be one of the following: Another transporter or the owner or operator of an intermediate handling facility, or destination facility.

Retention period: For a period of 3 years from the date the waste was accepted by the next party.

(b) For regulated medical waste that is not accompanied by a generator—

initiated tracking form, to retain a copy of all transporter-initiated tracking forms and consolidation logs.

Retention period: For a period of 3 years from the date the waste was accepted by the transporter.

(c) For any regulated medical waste that was received by the transporter accompanied by a tracking form and consolidated by a tracking form and consolidated or remanifested by the transporter to another tracking form, to retain (1) a copy of the generator-initiated tracking form signed by the transporter; (2) a copy of the transporter-initiated tracking form signed by the intermediate handler or destination facility and all associated consolidation logs.

Retention period: (1) 3 years from the date the waste was accepted by the transporter; and (2) 3 years from the date the waste was accepted by the intermediate handler or destination facility.

(d) To retain a copy of each transporter report required by 40 CFR 259.78.

Retention period: 3 years after the date of submission.

259.81 Owners or operators of facilities including destination and intermediate facilities receiving regulated medical waste generated in a Covered State. [Amended]

(a) To retain a copy of each tracking form in accordance with 40 CFR 259.83

(b) To retain a copy of the tracking form or shipping papers if signed in lieu of the tracking form.

Retention period: For at least 3 years from the date of acceptance of the regulated medical waste.

259.83 Owners or operators of destination facilities or intermediate handlers receiving regulated medical waste generated in a Covered State. [Amended]

(a) To maintain (1) copies of all tracking forms and logs; (2) the name and State permit or identification number of each generator who delivered waste to the destination facility or intermediate handler, if the State does not issue permit or identification numbers then the generator's address; and (3) copies of all discrepancy reports.

(b) To maintain the following information for each shipment of regulated medical waste accepted: (1) The date the waste was accepted; (2) the name and State permit or identification number of the generator who originated shipment. If the State does not issue permit or identification numbers, then the generator's address; (3) the total weight of the regulated medical waste accepted from the originating generator; and (4) the signature of the individual accepting the waste.

Retention period: 3 years from the date the waste was accepted.

259.91 Persons engaged in rail transportation of regulated medical waste generated in a Covered State.

To retain a copy of the tracking forms and rail shipping papers in accordance with 40 CFR 259.77.

261.31 Hazardous waste generators and treatment, storage, and disposal facilities. [Added]

To maintain in operating or other onsite records, documents and data sufficient to prove that the unit is an aggressive biological treatment unit and the sludges sought to be exempted from the definition of F037 and/or F038 were actually treated in the aggressive biological treatment unit.

261.35 Hazardous waste generators. [Added]

To maintain the following records documenting the cleaning and replacement as part of the facilities operating records:

(a) The name and address of the facility;

(b) Formulations previously used and date on which their use ceased in each process at the plant;

(c) Formulations currently used in each process at the plant;

(d) The name and address of any persons who conducted the cleaning and replacement;

(e) The dates on which cleaning and replacement were accomplished;

(f) The dates of sampling and testing; and other information as specified in section cited.

262.34 Hazardous waste generators. [Added]

To maintain records on:

(a) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

(b) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

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

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.

264.571 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

To keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent qualified registered professional engineer that attests to the results of the evaluation.

264.572 Owners or operators of hazardous waste treatment, storage, and disposal facilities. [Added]

(a) To maintain records sufficient to document that all treated wood is held on the pad following treatment.

(b) To maintain, as part of the operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drippage management practices, and a description of treated wood storage and handling practices.

264.573 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

To maintain the design and operating requirements inspection certification as part of the facility operating record.

264.1035 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

To maintain (a) an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation; (b) up-to-date documentation of compliance with the process vent standards; (c) design documentation and monitoring, operating, and inspection information for each closed-vent system and control device requirement; and other information as specified in section cited.

264.1064 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

To maintain in the operating record (a) records on equipment identification number and hazardous waste management unit identification; (b) approximate locations within the facility; (c) type of equipment; (d) inspection log; (e) design documentation and monitoring, operating, and inspection information for each closed-vent system and control device requirements; and other such information as specified in section cited.

265.441 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

See 40 CFR 264.571.

265.443 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

See 40 CFR 264.572.

265.444 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

See 40 CFR 264.573.

265.1035 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

See 40 CFR 264.1035.

265.1064 Owners or operators of hazardous waste treatment, storage and disposal facilities. [Added]

See 40 CFR 264.1064.

268.7 Owners and operators of hazardous waste treatment, storage, and disposal facilities. [Amended]

To maintain on-site a copy of the notification and certification required for each waste shipment together with the tolling agreement.

Retention period: For at least 3 years after termination or expiration of the agreement. The 3-year retention requirement is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.

302.8 Persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than their reportable quantities (RQs). [Added]

To maintain on file at the facilities or in the case of vessels at the offices within the U.S., in either ports or calls, places of regular berthing, or the headquarters of the businesses operating the vessels, all notification supporting documents, materials and other information.

Retention period: 1 year.

501.15 Applicants for the State sludge management program.

To maintain records of all data used to complete permit applications and any supplemental information.

Retention period: 5 years from the date the application is signed or as required by 40 CFR Part 503.

501.15 Persons holding permits under the State sludge management program.

To retain records of all monitoring information, copies of all reports required by the permit, and records of all data used to complete the application for the permit.

Retention period: At least 5 years from the date of the sample, measurement, report or application, or longer as required by 40 CFR Part 503.

This period may be extended by request of the Director at any time.

721.17 Manufacturers, importers, and processors of chemical substances which EPA has determined are significant new uses under certain provisions of the Toxic Substances Control Act.

To maintain documentation of information contained in that person's significant new use notice.

Retention period: For a period of 5 years from the date of the submission of the significant new use notice.

721.72 Manufacturers, importers, and processors of substances; significant new use rules.

To maintain records documenting establishment and implementation of a hazard communication program. The hazard communication program will, at a minimum, describe how the requirements of this section for labels, MSDs, and other forms of warning material will be satisfied.

Retention period: 5 years from the date of creation.

721.125 Manufacturers, importers, and processors of substances; significant new use rules.

(a) To maintain records documenting the manufacture and importation volume of the substance and the corresponding dates of manufacture and import.

(b) To maintain records documenting volumes of the substance purchased in the United States by processors of the substance, names, and addresses of suppliers, and corresponding dates of purchases.

(c) To maintain records documenting establishing and implementation of a program for the use of any applicable personal protective equipment required under 40 CFR 721.63.

Retention period: 5 years from the date of their creation.

721.224 Manufacturers, importers, and processors of 2-chloro-N-methyl-N-substituted acetamide (generic name). [Added]

See 40 CFR 721.125.

721.263 Manufacturers, importers, and processors of substituted aliphatic acid halide (generic name). [Added]

See 40 CFR 721.125.

721.266 Manufacturers, importers, and processors of acrylamide, polymer with substituted alkylacrylamide salt (generic name). [Added]

See 40 CFR 721.125.

721.266 Manufacturers, importers, and processors of adipic acid, polymer with 1,4-cyclohexane-dimethanol, dipropylene glycol, alkanepolyol, substituted alkanolamines, and carbomonocyclic dicarboxylic acid (generic name). [Added]

See 40 CFR 721.125.

721.273 Manufacturers, importers, and processors of aliphatic diurethane acrylate ester. [Added]

See 40 CFR 721.125.

721.275 Manufacturers, importers, and processors of alkylidicarboxylic acids, polymers with alkanepolyol and TDI, alkanol blocked, acrylate. [Added]

See 40 CFR 721.125.

721.277 Manufacturers, importers, and processors of tert-Amyl peroxy alkylene ester (generic name). [Added]

See 40 CFR 721.125.

721.278 Manufacturers, importers, and processors of amino acrylate monomer. [Added]

See 40 CFR 721.125.

721.288 Manufacturers, importers, and processors of alkanepolyol phosphate ester (generic name). [Added]

See 40 CFR 721.125.

721.289 Manufacturers, importers, and processors of alkenoic acid, trisubstituted-benzyl-disubstituted-phenyl ester. [Added]

See 40 CFR 721.125.

721.290 Manufacturers, importers, and processors of alkenoic acid, trisubstituted-phenylalkyl-disubstituted-phenyl ester. [Added]

See 40 CFR 721.125.

721.291 Manufacturers, importers, and processors of monosubstituted alkoxyaminotrazines (generic name). [Added]

See 40 CFR 721.125.

721.293 Manufacturers, importers, and processors of amide of polyamine and organic acid. [Added]

See 40 CFR 721.125.

721.295 Manufacturers, importers, and processors of reaction products of secondary alkyl amines with a substituted benzenesulfonic acid and sulfuric acid (generic name). [Added]

See 40 CFR 721.125.

721.296 Manufacturers, importers, and processors of alkylphenoxypolyalkoxyamine (generic name). [Added]

See 40 CFR 721.125.

721.435 Manufacturers, importers, and processors of aromatic amine compound. [Added]

See 40 CFR 721.125.

721.440 Manufacturers, importers, and processors of aromatic nitro compound. [Added]

See 40 CFR 721.125.

721.445 Manufacturers, importers, and processors of sodium salt of an alkylated, sulfonated aromatic (generic name). [Added]

See 40 CFR 721.125.

721.450 Manufacturers, importers, and processors of substituted aromatic (generic). [Added]

See 40 CFR 721.125.

721.454 Manufacturers, importers, and processors of alkyl alkenoate, azobis-. [Added]

See 40 CFR 721.125.

721.467 Manufacturers, importers, and processors of benzene, substituted, alkyl acrylate derivative (generic name). [Added]

See 40 CFR 721.125.

721.523 Manufacturers, importers, and processors of brominated aromatic compound (generic name). [Added]

See 40 CFR 721.125.

721.555 Manufacturers, importers, and processors of 1, 3-benzenediamine, 4-(1,1-dimethylethyl)-ar-methyl complying with the significant new use rule requirements. [Added]

In addition to the requirements of 40 CFR 721.40, to maintain the following records:

(a) Any determination that gloves are impervious to the substance;
(b) Names of persons who have attended safety meetings, the dates of such meetings, and copies of any written information provided;

(c) Copies of any MSDSs used;
(d) Names and addresses of all persons to whom the substance is sold or transferred including shipment destination address, if different, the date of each transfer, and the quantity of substance sold or transfer on such date; and other such information as specified in cited section.

Retention period: 5 years after the records are created.

721.557 Manufacturers, importers, and processors of mixture of 1, 3-benzenediamine, 2-methyl-4,6-bis (methylthio)- and 1,3-benzenediamine, 4-methyl-2,6-bis (methylthio); significant new uses; Toxic Substances Control Act.

In addition to the requirements of 40 CFR 721.17, to maintain the following records: (a) Any determination that gloves are impervious to the substance; (b) names of persons who have attended safety meetings; the dates of such meetings, and copies of any written information provided; copies of any MSDSs used, names and addresses of all

persons to whom the PMN substance is sold or transferred including shipment destination address if different, the date of each sale or transfer, and the quantity of substance sold or transferred on such date; copies of any labels used; and other information as specified in cited section.

Retention period: 5 years after the date the records are created.

721.564 Manufacturers, importers, and processors of substituted benzenedicarboxylic acid, poly (alkyl acrylate) derivative. [Added]

See 40 CFR 721.125.

721.567 Manufacturers, importers, and processors of disulfonic acid rosin amine salt of a benzidine derivative (generic name). [Added]

See 40 CFR 721.125.

721.580 Manufacturers, importers, and processors of alkylbisoxalkyl (substituted 1,1-dimethylethylphenyl) benzotriazole (generic name). [Added]

See 40 CFR 721.125.

721.607 Manufacturers, importers, and processors of bisphenol A, epichlorohydrin, methylenebis (substituted carbomonocycle), polyalkylene glycol, alkanol, methacrylate polymer. [Added]

See 40 CFR 721.125.

721.609 Manufacturers, importers, and processors of bisphenol A, epichlorohydrin, polyalkylenepolyol and polyisocyanato derivative. [Added]

See 40 CFR 721.125.

721.612 Manufacturers, importers, and processors of N,N'-Bis (2,2-(3-alkyl) thiazoline vinyl)-1,4-phenylene diamine methyl sulfate double salt (generic name). [Added]

See 40 CFR 721.125.

721.617 Manufacturers, importers, and processors of boric acid, alkyl and substituted alkyl esters (generic name). [Added]

See 40 CFR 721.125.

721.740 Manufacturers, importers, and processors of phosphorylated caprolactone, alkylxoheteromonocycle and polyalkylene polyol alkyl ether (generic name). [Added]

See 40 CFR 721.125.

721.759 Manufacturers, importers, and processors of caprolactone, polymer with hexamethylene diisocyanate hydroalkyl acrylate ester, reaction products with substituted alkenoic acid and metal heteromonocycle. [Added]

See 40 CFR 721.125.

721.766 Manufacturers, importers, and processors of bis(substituted) carbomonocyclic azocarbomonocyclicol (generic name). [Added]

See 40 CFR 721.125.

721.767 Manufacturers, importers, and processors of carbamic acid, (trialkylsilylalkyl)-substituted acrylate ester. [Added]

See 40 CFR 721.125.

721.770 Manufacturers, importers, and processors of coconut oil, reaction products with tetrahydroxy branched alkane esters of trisubstituted benzenepropanoic acid (generic name). [Added]

See 40 CFR 721.125.

721.782 Manufacturers, importers, and processors of aromatic diamines (generic name). [Added]

See 40 CFR 721.125.

721.783 Manufacturers, importers, and processors of dialkenylamide (generic name). [Added]

See 40 CFR 721.125.

721.792 Manufacturers, importers, and processors of alkylated diarylamine, sulfurized (generic name). [Added]

See 40 CFR 721.125.

721.818 Manufacturers, importers, and processors of dimer acids, polymer with polyalkylene glycol, bisphenol A-diglycidyl ether, and alkylene polyols polyglycidyl ethers (generic name). [Added]

See 40 CFR 721.125.

721.821 Manufacturers, importers, and processors of 2,5-dimercapto-1,3,4-thiadiazole, alkyl polycarboxylate (generic name). [Added]

See 40 CFR 721.125.

721.853 Manufacturers, importers, and processors of alkylated diphenyl oxide (generic name). [Added]

See 40 CFR 721.125.

721.880 Manufacturers, importers, and processors of distillates (petroleum), C(3-6), polymers with styrene and mixed terpenes (generic name). [Added]

See 40 CFR 721.125.

721.953 Manufacturers, importers, and processors of reaction product of alkanediol and epichlorohydrin. [Added]

See 40 CFR 721.125.

721.960 Manufacturers, importers, and processors of acid modified acylated epoxide. [Added]

See 40 CFR 721.125.

721.976 Manufacturers, importers, and processors of perfluoroalkyl epoxide (generic name). [Added]

See 40 CFR 721.125.

721.977 Manufacturers, importers, and processors of modified acrylic ester (generic name). [Added]

See 40 CFR 721.125.

721.978 Manufacturers, importers, and processors of alkyl ester (generic name). [Added]

See 40 CFR 721.125.

721.979 Manufacturers, importers, and processors of substituted aminobenzoic acid ester (generic name). [Added]

See 40 CFR 721.125.

721.983 Manufacturers, importers, and processors of unsaturated amino alkyl (generic name). [Added]

See 40 CFR 721.125.

721.990 Manufacturers, importers, and processors of methacrylic ester. [Added]

See 40 CFR 721.125.

721.1005 Manufacturers, importers, and processors of vinyl epoxy ester. [Added]

See 40 CFR 721.125.

721.1027 Manufacturers, importers, and processors of aliphatic polyglycidyl ether. [Added]

See 40 CFR 721.125.

721.1032 Manufacturers, importers, and processors of perhalo alkoxy ether. [Added]

See 40 CFR 721.125.

721.1033 Manufacturers, importers, and processors of phosphorylated oxoheteromonocycle polyoxyethylene ether (generic name). [Added]

See 40 CFR 721.125.

721.1040 Manufacturers, importers, and processors of fatty acid amine salt (generic name). [Added]

See 40 CFR 721.125.

721.1045 Manufacturers, importers, and processors of trimethylolpropane fatty acid diacrylate. [Added]

See 40 CFR 721.125.

721.1060 Manufacturers, importers, and processors of formaldehyde, polymer with bisphenol A and substituted phenol (generic name). [Added]

See 40 CFR 721.125.

721.1078 Manufacturers, importers, and processors of haloalkyl substituted cyclic ethers. [Added]

See 40 CFR 721.125.

721.1082 Manufacturers, importers, and processors of substituted ethylene diamine, methyl sulfate quarterized (generic name). [Added]

See 40 CFR 721.125.

721.1125 Manufacturers, importers, and processors of substituted alkyl halide. [Added]

See 40 CFR 721.125.

721.1208 Manufacturers, importers, and processors of alkyl peroxy-2-ethyl hexanoate. [Added]

See 40 CFR 721.125.

721.1232 Manufacturers, importers, and processors of nitrophenoxylalkanoic acid substituted thiazine hydrazide (generic name). [Added]

See 40 CFR 721.125.

721.1235 Manufacturers, importers, and processors of hydrazinecarboxamide, N,N'-(methylenedi-4,1-phenylene)bis[2,2-dimethyl- [Added]

See 40 CFR 721.125.

721.1243 Manufacturers, importers, and processors of substituted hydroxylamine. [Added]

See 40 CFR 721.125.

721.1265 Manufacturers, importers, and processors of metal salts of complex inorganic oxyacids (generic name). [Added]

See 40 CFR 721.125.

721.1272 Manufacturers, importers, and processors of metalated alkylphenol copolymer (generic name). [Added]

See 40 CFR 721.125.

721.1285 Manufacturers, importers, and processors of hydroxyalkyl methacrylate, alkyl ester. [Added]

See 40 CFR 721.125.

721.1287 Manufacturers, importers, and processors of 2-(2-Hydroxy-3-tert-butyl-5-methylbenzyl)-4-methyl-6-tert-butylphenyl methacrylate. [Added]

See 40 CFR 721.125.

721.1290 Manufacturers, importers, and processors of substituted oxide alkylene polymer, metacrylate. [Added]

See 40 CFR 721.125.

721.1390 Manufacturers, importers, and processors of methylenebis (4-isocyanato benzene), polymer with polycaprolactone triol and alkoxyalkyl alkanepolyol, hydroxyalkyl methacrylate ester. [Added]

See 40 CFR 721.125.

721.1395 Manufacturers, importers, and processors of methylenebis(trisubstituted aniline) (generic name). [Added]

See 40 CFR 721.125.

721.1454 Manufacturers, importers, and processors of monoacrylate. [Added]

See 40 CFR 721.125.

721.1460 Manufacturers, importers, and processors of naphthalene, 1,2,3,4-tetrahydro (1-phenylethyl) (specific name). [Added]

See 40 CFR 721.125.

721.1465 Manufacturers, importers, and processors of 2-Naphthalenecarboxamide-N-aryl-3-hydroxy-4-aryloxy (generic name). [Added]

See 40 CFR 721.125.

721.1470 Manufacturers, importers, and processors of nickel acrylate complex. [Added]

See 40 CFR 721.125.

721.1475 Manufacturers, importers, and processors of substituted nitrile (generic name). [Added]

See 40 CFR 721.125.

721.1477 Manufacturers, importers, and processors of disubstituted nitrobenzene (generic name). [Added]

See 40 CFR 721.125.

721.1478 Manufacturers, importers, and processors of halonitrobenzoic acid, substituted (generic name). [Added]

See 40 CFR 721.125.

721.1483 Manufacturers, importers, and processors of substituted phosphate ester (generic). [Added]

See 40 CFR 721.125.

721.1488 Manufacturers, importers, and processors of Nitrothiophene-carboxylic acid, ethyl ester, bis [(((substituted)amino)alkylphenyl)azo] (generic name). [Added]

See 40 CFR 721.125.

721.1489 Manufacturers, importers, and processors of unsaturated organic compound. [Added]

See 40 CFR 721.125.

721.1490 Manufacturers, importers, and processors of 7-Oxabicyclo [4.1.0] heptane, 3-ethenyl, homopolymer, ether with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol (3:1), epoxidized. [Added]

See 40 CFR 721.125.

721.1491 Manufacturers, importers, and processors of substituted dialkyl oxazolone (generic name). [Added]

See 40 CFR 721.125.

721.1495 Manufacturers, importers, and processors of 2-oxepanone, polymer with 4,4'-(1-methylethylidene) bisphenol and 2,2-[1-methylethylidene]bis(4,1-phenyleneoxymethylene) bisoxirane, graft. [Added]

See 40 CFR 721.125.

721.1500 Manufacturers, importers, and processors of reaction product of hydroxyethyl acrylate and methyl oxirane. [Added]

See 40 CFR 721.125.

721.1504 Manufacturers, importers, and processors of substituted oxirane. [Added]

See 40 CFR 721.125.

721.1536 Manufacturers, importers, and processors of phenol, 4,4'-(9H-fluoren-9-ylidene)bis- [Added]

See 40 CFR 721.125.

721.1537 Manufacturers, importers, and processors of phenol, 4,4'-methylene-bis(2,6-dimethyl- [Added]

See 40 CFR 721.125.

721.1538 Manufacturers, importers, and processors of phenol, 4,4'-oxybis(2,1-ethanedithio)bis- [Added]

See 40 CFR 721.125.

721.1540 Manufacturers, importers, and processors of Phenol, 4,4'-(methylenebis(oxy-2,1-ethanedithio)) bis- [Added]

See 40 CFR 721.125.

721.1541 Manufacturers, importers, and processors of sulfurized alkylphenols. [Added]

See 40 CFR 721.125.

721.1542 Manufacturers, importers, and processors of trisubstituted phenol (generic name). [Added]

See 40 CFR 721.125.

721.1544 Manufacturers, importers, and processors of sulfur bridged substituted phenols (generic name). [Added]

See 40 CFR 721.125.

721.1560 Manufacturers, importers, and processors of 1,1-dimethylpropyl peroxyester (generic name). [Added]

See 40 CFR 721.125.

721.1565 Manufacturers, importers, and processors of substituted alkyl peroxyhexane carboxylate (mixed isomers) (generic name). [Added]

See 40 CFR 721.125.

721.1608 Manufacturers, importers, and processors of phosphonium salt (generic name). [Added]

See 40 CFR 721.125.

721.1611 Manufacturers, importers, and processors of phosphoric acid, 1,2-ethanedithiol tetrakis(2-chloro-1-methylethyl) ester. [Added]

See 40 CFR 721.125.

721.1612 Manufacturers, importers, and processors of polymer of alkyl carbomonocycle diisocyanate with alkanepolyol polyacrylate. [Added]

See 40 CFR 721.125.

721.1616 Manufacturers, importers, and processors of polyalkenepolyol alkylamine (generic name). [Added]

See 40 CFR 721.125.

721.1617 Manufacturers, importers, and processors of polyalkylpolyisilazane, bis (substituted acrylate). [Added]

See 40 CFR 721.125.

721.1621 Manufacturers, importers, and processors of epoxidized polybutene. [Added]

See 40 CFR 721.125.

721.1622 Manufacturers, importers, and processors of polymer. [Added]

See 40 CFR 721.125.

721.1624 Manufacturers, importers, and processors of polymer of adipic acid, alkanepolyol, alkylideneisocyanatocarbomonocycle, hydroxyalkyl acrylate ester. [Added]

See 40 CFR 721.125.

721.1630 Manufacturers, importers, and processors of polymer of alkane polyol and polyalkylpolyisocyanato-carbomonocycle, acetone oxime-blocked (generic name). [Added]

See 40 CFR 721.125.

721.1632 Manufacturers, importers, and processors of alkanolic acid, butanediol and cyclohexanediol-kanol polymer (generic name). [Added]

See 40 CFR 721.125.

721.1634 Manufacturers, importers, and processors of polymer of alkenolic acid, substituted alkylacrylate sodium salt (generic name). [Added]

See 40 CFR 721.125.

721.1638 Manufacturers, importers, and processors of polymer of substituted alkylphenol formaldehyde and phthalic anhydride, acrylate (generic name). [Added]

See 40 CFR 721.125.

721.1641 Manufacturers, importers, and processors of polymer of hydroxyethyl acrylate and polyisocyanate. [Added]

See 40 CFR 721.125.

721.1645 Manufacturers, importers, and processors of polymer of maleic anhydride, benzenedicarboxylic acid and disubstituted alkylamine (generic name). [Added]

See 40 CFR 721.125.

721.1646 Manufacturers, importers, and processors of polyethylenepolyamine and alkanediol diglycidyl ether. [Added]

See 40 CFR 721.125.

721.1648 Manufacturers, importers, and processors of polymer of styrene, substituted alkyl methacrylates, 2-ethylhexyl acrylate, methacrylic acid and substituted bis(benzene). [Added]

See 40 CFR 721.125.

721.1700 Manufacturers, importers, and processors of poly(oxy-1,4-butanediol), α -(1-oxo-2-propenyl)- ω [(1-oxo-2-propenyl)oxy]-. [Added]

See 40 CFR 721.125.

- 721.1710** Manufacturers, importers, and processors of polyol carboxylate ester. [Added]
See 40 CFR 721.125.
- 721.1712** Manufacturers, importers, and processors of nitrate polyether polyol (generic name). [Added]
See 40 CFR 721.125.
- 721.1715** Manufacturers, importers, and processors of alkoxyated alkane polyol, polyacrylate ester. [Added]
See 40 CFR 721.125.
- 721.1725** Manufacturers, importers, and processors of polysubstituted polyol. [Added]
See 40 CFR 721.125.
- 721.1740** Manufacturers, importers, and processors of substituted acrylated alkoxyated aliphatic polyol. [Added]
See 40 CFR 721.125.
- 721.1760** Manufacturers, importers, and processors of alkyl (heterocyclic) phenylazohetero monocyclic polyone (generic name). [Added]
See 40 CFR 721.125.
- 721.1763** Manufacturers, importers, and processors of alkyl (heterocyclic) phenylazohetero monocyclic polyone, (alkylimidazolyl) methyl derivative (generic name). [Added]
See 40 CFR 721.125.
- 721.1778** Manufacturers, importers, and processors of poly(oxo-1,2-ethanediyl)- α -(2-methyl-1-oxo-2-propenyl)- C_{10-16} -alkyl ethers. [Added]
See 40 CFR 721.125.
- 721.1790** Manufacturers, importers, and processors of polyurethane. [Added]
See 40 CFR 721.125.
- 721.1795** Manufacturers, importers, and processors of 1,3-propanediamine, N,N'-1,2-ethanediylbis-, polymer with 2,4,6-trichloro-1,3,5-triazine, reaction products with N-butyl-2,2,6,6-tetramethyl-4-piperidinamine. [Added]
See 40 CFR 721.125.
- 721.1805** Manufacturers, importers, and processors of 2-propenoic acid, 3-(dimethylamino)-2,2-dimethyl-propyl ester. [Added]
See 40 CFR 721.125.
- 721.1810** Manufacturers, importers, and processors of 2-propenoic acid, 2-hydroxybutyl ester. [Added]
See 40 CFR 721.125.
- 721.1814** Manufacturers, importers, and processors of 2-propenoic acid, 1-(hydroxymethyl) propyl ester. [Added]
See 40 CFR 721.125.
- 721.1815** Manufacturers, importers, and processors of 2-propenoic acid, 7-oxabicyclo [4.1.0] hept-3-ylmethyl ester. [Added]
See 40 CFR 721.125.
- 721.1816** Manufacturers, importers, and processors of 2-propenoic acid, 3,3,5-trimethylcyclohexyl ester. [Added]
See 40 CFR 721.125.
- 721.1818** Manufacturers, importers, and processors of 2-propenoic acid, 2-methyl-1,1-dimethylethyl ester. [Added]
See 40 CFR 721.125.
- 721.1822** Manufacturers, importers, and processors of 2-propenoic acid, 2-methyl-7-oxabicyclo [4.1.0] hept-3-ylmethyl ester. [Added]
See 40 CFR 721.125.
- 721.1824** Manufacturers, importers, and processors of 2-propenoic acid, 2-methyl-,3,3,5-trimethylcyclohexyl ester. [Added]
See 40 CFR 721.125.
- 721.1828** Manufacturers, importers, and processors of 2-propenoic acid, 2-methyl-,7,7,9-trimethyl-4,13-dioxo-3,14-dioxo-5,12-diazahexadecane, 1,16-diyl ester. [Added]
See 40 CFR 721.125.
- 721.1887** Manufacturers, importers, and processors of epoxy resin. [Added]
See 40 CFR 721.125.
- 721.1889** Manufacturers, importers, and processors of resorcinol, formaldehyde substituted carbomonomer resin. [Added]
See 40 CFR 721.125.
- 721.1890** Manufacturers, importers, and processors of carboxy rilyl salt (generic name). [Added]
See 40 CFR 721.125.
- 721.1895** Manufacturers, importers, and processors of silane, (1,1-dimethylethoxy) dimethoxy (2-methyl propyl)- [Added]
See 40 CFR 721.125.
- 721.2070** Manufacturers, importers, and processors of alkylene glycol terephthalate and substituted benzoate esters (generic name). [Added]
See 40 CFR 721.125.
- 721.2075** Manufacturers, importers, and processors of terpenes and terpenoids, limonene fraction, polymer with substituted carbopolycycles (generic name). [Added]
See 40 CFR 721.125.
- 721.2132** Manufacturers, importers, and processors of tetraglycidalamines (generic name). [Added]
See 40 CFR 721.125.
- 721.2155** Manufacturers, importers, and processors of 3,3',5,5' tetramethylbiphenyl-4,4'-diol. [Added]
See 40 CFR 721.125.
- 721.2180** Manufacturers, importers, and processors of substituted thiazino hydrazine salt (generic name). [Added]
See 40 CFR 721.125.
- 721.2188** Manufacturers, importers, and processors of 1,3,5-triazine,2,4,6-triamine, hydrobromide. [Added]
See 40 CFR 721.125.
- 721.2192** Manufacturers, importers, and processors of disubstituted alkyl triazines (generic name). [Added]
See 40 CFR 721.125.
- 721.2194** Manufacturers, importers, and processors of substituted triazine isocyanurate (generic name). [Added]
See 40 CFR 721.125.
- 721.2196** Manufacturers, importers, and processors of poly(substituted triazinyl) piperazine (generic name). [Added]
See 40 CFR 721.125.
- 721.2480** Manufacturers, importers, and processors of urea, condensate with poly [oxy (methyl-1,2ethanediyl)]- α -2-aminomethylethyl)- ω -(2-aminoethylethoxy) (generic name). [Added]
See 40 CFR 721.125.
- 721.2490** Manufacturers, importers, and processors of urea, (hexahydro-6-methyl-2-oxopyrimidinyl)- [Added]
See 40 CFR 721.125.
- 721.2500** Manufacturers, importers, and processors of polyamine unreaformaldehyde condensate (specific name). [Added]
See 40 CFR 721.125.
- 721.2555** Manufacturers, importers, and processors of urethane acrylate. [Added]
See 40 CFR 721.125.
- 721.2568** Manufacturers, importers, and processors of polyaromatic urethane. [Added]
See 40 CFR 721.125.
- 721.2585** Manufacturers, importers, and processors of 3-alkyl-2-(2-aniline) vinyl thiazolinium salt (generic name). [Added]
See 40 CFR 721.125.
- 749.68** Persons distributing in commerce hexavalent chromium-based water treatment chemicals for use in cooling systems after February 20, 1990. [Added]
To retain in one location at the headquarters of the distribution documentation showing (a) the name, address, contact, and telephone number of the cooling system owners/operations to whom the chemicals were shipped and (b) the chemicals included in the shipment, the amount of each chemical shipped, and the location(s) at which the chemical will be used.
Retention period: 2 years from the date of shipment.

760.218 Disposal facilities, generators, and commercial storers of PCB waste.

To keep a copy of each Certificate of Disposal.

Retention period: See 40 CFR 761.180.

761.180 Owners or operators of facilities used to dispose of PCBs. [Added]

To maintain annual records on disposal, storage, chemical waste landfills, incineration, high efficiency broilers, and other documentation as specified in section cited.

Retention period: 3 years; chemical waste landfill data 20 years.

761.209 Transporters of PCB waste.

To maintain a copy of the manifest signed by the generator, transporter, and the next designated transporter, if applicable, or the owner or operator of the designated commercial storage or disposal facility.

Retention period: 3 years from the date the PCB waste was accepted by the initial transporter. Record retention period may be extended automatically during the course of any outstanding enforcement action regarding the regulated activity.

761.209 Generators of PCB waste.

To keep a copy of each manifest signed until a signed copy from the designated commercial storage or disposal facility which received the PCB waste is received.

Retention period: 3 years from the date the PCB waste was accepted by the initial transporter. Record retention period may be extended automatically during the course of any outstanding enforcement action regarding the regulated activity.

761.209 Water (bulk shipment) transporters of PCB waste.

To retain a copy of the shipping papers for shipments of PCB waste delivered to designated commercial storage or disposal facility by water (bulk shipment).

Retention period: 3 years from the date the PCB waste was accepted by the initial transporter. Record retention period may be extended automatically during the course of any outstanding enforcement action regarding the regulated activity.

761.209 Initial rail transporters of PCB waste.

To maintain a copy of the manifest and the shipping paper required to accompany the PCB waste.

Retention period: 3 years from the date the PCB waste was accepted by the initial transporter. Record retention period may be extended during the

course of any outstanding enforcement action regarding the regulated activity.

761.209 Final rail transporters of PCB waste.

To keep a copy of the signed manifest, or the required shipping paper if signed by the designated facility in lieu of the manifest.

Retention period: 3 years from the date the PCB waste was accepted by the initial transporter. Record retention period may be extended automatically during the course of any outstanding enforcement action regarding the regulated activity.

763.178 Persons producing an asbestos-containing product that is subject to a labeling requirements.

To maintain a copy of the label used in compliance.

Retention period: 3 years after the effective date of the ban on distribution in commerce for the product which the labeling requirements apply.

763.178 Persons producing an asbestos-containing product that is subject to a manufacture, importation and/or processing ban.

To maintain the results of the inventory for the banned product.

Retention period: 3 years after the effective date of the ban on manufacture, importation, and processing.

763.178 Persons whose asbestos-producing activities are subject to the manufacture, importation, processing and distribution in commerce bans.

To maintain all commercial transactions regarding the product including the date of purchases and sale and the quantities purchased or sold.

Retention period: 3 years after the effective date of the ban on distribution in commerce for a product.

792.29 Toxic substances control testing facilities.

To maintain a current summary of training and experience and job description for each individual engaged in or supervising the conduct of a study.

Retention period: 10 years.

792.31 Toxic substances control testing facility management.

To document and maintain such action as raw data, records on the replacement of the study director if it becomes necessary to do so during the conduct of a study.

Retention period: 10 years.

792.33 Toxic substances control testing facilities study directors.

To maintain and verify (a) all experimental data, including

observations of unanticipated responses of test systems; (b) notes on unforeseen circumstances that may affect the quality and integrity of the study when they occur; and (c) documentation of the corrective action taken.

Retention period: In accordance with 40 CFR 792.195.

792.35 Toxic substances control testing facility quality assurance units.

To maintain a copy of a master schedule sheet of all studies conducted at the testing facility; copies of all protocols pertaining to all studies for which the unit is responsible; and copies of written and properly signed records of each periodic inspection.

Retention period: Indefinitely.

792.63 Toxic substances control testing facility quality assurance units.

To maintain records of all inspection, maintenance, testing, calibrating, standardizing operations, and nonroutine repairs performed on equipment as a result of failure and malfunction.

Retention period: 10 years.

792.81 Toxic substances control testing facilities.

To maintain a historical file of standard operating procedures and all revisions thereof, including the dates of such revisions.

Retention period: In accordance with 40 CFR 792.195.

792.90 Toxic substances control testing facilities.

To maintain as raw data documentation of the analyses of feed and water used for the animals to ensure that contaminants known to be capable of interfering with the study and reasonably expected to be present in such feed or water are not present at levels above those specified in protocol and to maintain documentation of any use of pest control materials.

Retention period: In accordance with 40 CFR 792.195.

792.105 Toxic substances control testing facilities.

(a) For each batch, to maintain documentation on the identity, strength, purity, and composition or other characteristics which will appropriately define the test or control substance.

(b) To maintain documentation on the methods, fabrication, or derivation of the test and control substances.

(c) For studies of more than 4 weeks' duration, to reserve samples from each batch of test-control substances.

Retention period: In accordance with 40 CFR 792.195.

792.185 Sponsors and toxic substances control testing facilities.

For each study, to maintain a copy of the final report and of any amendments to it.

Retention period: In accordance with 40 CFR 792.195.

792.190 Toxic substances control testing facilities.

(a) To maintain all raw data, documentation, records, protocols, specimens, and final reports generated as a result of a study.

(b) To maintain correspondence and other documents relating to interpretation and evaluation of data, other than those documents contained in the final report.

Retention period: See 40 CFR 792.195.

792.195 Toxic substances control testing facilities—retention period.

(a) Documentation records, raw data, and specimens pertaining to a study and required to be retained by 40 CFR Part 792 shall be retained in the archive(s) for a period of at least 10 years following the effective date of the applicable final test rule.

(b) In the case of negotiated testing agreement, documentation records, raw data, and specimens pertaining to a study and required to be retained by 40 CFR Part 792 shall be retained in the archive(s) for a period of at least 10 years following the publication date of the acceptance of a negotiated test agreement.

(c) In the case of testing submitted under section 5, documentation records, raw data, and specimens pertaining to a study and required to be retained under 40 CFR Part 792 shall be retained in the archive(s) for a period of at least 5 years following the date on which the results of the study are submitted to the agency.

(d) Wet specimens, samples of test, control or reference substances, and specially prepared material which are relatively fragile and differ markedly in stability and quality during storage shall be retained only as long as the quality of the preparation affords evaluation. Specimens obtained from mutagenicity tests, specimens of soil, water-plants, and wet specimens of blood, urine, feces, biological fluids, do not need to be retained after quality assurance verification.

(e) Master schedule sheet, copies of protocols, records of quality assurance inspections, summaries of training, experience and job description, and records and reports of the maintenance and calibration shall be retained for the

length of time specified in 40 CFR 792.195(b).

HEALTH AND HUMAN SERVICES DEPARTMENT

Public Health Service

42 CFR

50.103 PHS awardees and applicants institutions for dealing with and reporting possible misconduct in science.

To maintain sufficiently detailed documentation of inquiries to permit a later assessment of the reasons for determining that an investigation was not warranted.

Retention period: For a period of at least 3 years after the termination of the inquiry and shall, upon request, be provided to authorized HHS personnel.

57.2610 Schools of nursing, medicine, and public health or nonprofit private hospitals and other public or nonprofit private entities receiving Nurse Practitioner Traineeship Programs Grants. [Revised]

(a) To maintain the signed statement of appointment as part of the trainee's report.

(b) To maintain an accurate, complete, and retrievable record on each individual who receives a traineeship.

Retention period: Until the trainee's practice commitment is fulfilled or any amount the United States is owed has been paid or waived.

57.4110 Recipients of grants for faculty Training Projects in Geriatric Medicine and Dentistry. [Added]

To retain original copy of the statement which documents the appointment of each fellow. The copy of the statement must be available for program review and financial audit and shall be provided to the fellow for his or her records.

Health Care Financing Administration

42 CFR

405.1101-405.1137 Skilled nursing facilities which have filed agreements to participate in the health insurance for the aged and disabled program. [Removed, 1989]

405.1201-405.1230 Home health agencies which have filed agreements to participate in the health insurance for the aged and disabled program. [Redesignated, 1989; as Part 484]

433.322 State Medicaid agencies.

To maintain separate records of all overpayment activities for each provider in a manner that satisfies the retention and access requirements of 45 CFR Part 74, Subpart D.

435.945 State agencies participating in Medicaid program.

To retain a record of all information items received, including those not followed up and such records shall be made available for quality control review purposes.

Part 442, Subpart F Institutions providing skilled nursing and intermediate care facility services under a State plan for medical assistance. [Removed, 1989]

483.10 Long term care facilities participating in Medicare and Medicaid.

To maintain records that assure full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf.

Retention period: See 42 CFR 483.75.

483.12 Long term care facilities participating in Medicare and Medicaid.

To maintain in the resident's clinical records, documentation of the transfer or discharge of the resident.

Retention period: See 42 CFR 483.75.

483.60 Long term care facilities participating in Medicare and Medicaid.

To maintain records of receipt and disposition of all controlled drugs in sufficient detail to enable an accurate reconciliation.

Retention period: See 42 CFR 483.75.

483.65 Long term care facilities participating in Medicare and Medicaid.

To maintain records of incident and corrective actions related to infections

Retention period: See 42 CFR 483.75.

483.75 Long term care facilities participating in Medicare and Medicaid.

To maintain clinical records that contain (a) sufficient information to identify the resident; (b) resident's assessments; (c) the plan of care and services provided (d) the results of a preadmission screening conducted by the State; and (e) progress notes.

Retention period: The period of time required by State laws; or 5 years from the date of discharge when there is no requirement in State law; or for a minor, 3 years after a resident reaches legal age under State law.

484.10 Home health agencies; medical programs.

To maintain documentation showing compliance with patient rights requirements.

484.36 Home health agencies; medicare program.

To maintain documentation which demonstrates that the competency evaluation standards are met.

484.48 Home health agencies; medical records.

To maintain for every patient receiving home health services, clinical records containing past and current findings in accordance with accepted professional standards. In addition to the plan of care, the records contain appropriate identifying information; name of physician; drug, dietary, treatment and activity orders; signed and dated clinical and progress notes; copies of summary reports sent to the attending physician; and a discharge summary.

Retention period: 5 years after the month the cost report to which the records apply is filed with the intermediary, unless State law stipulates a longer period of time. Policies provide for retention even if the HHA discontinues operations. If a patient is transferred to another health facility, a copy of the record or abstract is sent with the patient.

493.801 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs. [Added]

To maintain records on handling, preparation, processing, examination and steps in the testing and reporting of results for all proficiency testing samples, including a copy of the proficiency testing program report forms used by the laboratory to record proficiency testing results.

Retention period: For a minimum of 2 years from the date of the proficiency testing event.

493.823 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Bacteriology. [Added]

To maintain documentation of all remedial action taken to correct problems associated with a proficiency testing failure.

Retention period: 2 years from the date of participation in proficiency testing event.

493.825 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Mycobacteriology. [Added]

See 42 CFR 493.823.

493.827 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Mycology. [Added]

See 42 CFR 493.823.

493.829 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Parasitology. [Added]

See 42 CFR 493.823.

493.831 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Virology. [Added]

See 42 CFR 493.823.

493.835 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Syphilis serology. [Added]

See 42 CFR 493.823.

493.837 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-General Immunology. [Added]

See 42 CFR 493.823.

493.841 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Routine chemistry. [Added]

See 42 CFR 493.823.

493.843 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Endocrinology. [Added]

See 42 CFR 493.823.

493.845 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Toxicology. [Added]

See 42 CFR 493.823.

493.847 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Urinalysis. [Added]

See 42 CFR 493.823.

493.851 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Hematology. [Added]

See 42 CFR 493.823.

493.859 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-ABO group and Rh(D) group. [Added]

See 42 CFR 493.823.

493.861 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Unexpected antibody detection. [Added]

See 42 CFR 493.823.

493.863 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Compatibility testing. [Added]

See 42 CFR 493.823.

493.865 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-Antibody Identification. [Added]

See 42 CFR 493.823.

493.1101 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs. [Added]

(a) To maintain records of test requisitions and patient testing.

Retention period: At least 2 years.

(b) To maintain a legally reproduced record of each test result, including preliminary reports.

Retention period: 2 years after date of reporting. Immunohematology reports—2 years. Pathology test reports—10 years after the date of reporting.

493.1211 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs-procedure manual. [Added]

To maintain copies of each procedure it uses and length of time the procedure was in use.

Retention period: 2 years after a procedure has been discontinued.

493.1215 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs. [Added]

(a) To maintain documentation for the validation of each method that verifies that the method produces test results within the laboratory's stated performance characteristics.

Retention period: Documentation of the validation must be available for the period during which the procedure is used by the laboratory or for 2 years, whichever is longer and must be available to the authorized persons ordering or receiving test results.

Documentation verifying that test systems perform according to the laboratory's specifications must be available to the authorized persons ordering or receiving test results.

493.1221 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs. [Added]

To maintain records of all quality control activities and of each step in processing and testing of quality control samples to assure that the quality

control samples are tested in the same manner as patient samples.

Retention period: (a) 2 years; (b) Immunohematology quality control records—5 years.

493.1223 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Quality control—specialties and subspecialties. [Added]

See 42 CFR 493.1221.

493.1225 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Microbiology. [Added]

See 42 CFR 493.1221.

493.1227 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Bacteriology. [Added]

See 42 CFR 493.1221.

493.1229 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Mycobacteriology. [Added]

See 42 CFR 493.1221.

493.1231 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Mycology. [Added]

See 42 CFR 493.1221.

493.1233 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Parasitology. [Added]

See 42 CFR 493.1221.

493.1235 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Virology (quality control). [Added]

To maintain records that reflect the systems used and the reactions observed.

493.1237 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Diagnostic Immunology. [Added]

See 42 CFR 493.1221.

493.1239 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Syphilis serology. [Added]

See 42 CFR 493.1221.

493.1241 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—General Immunology. [Added]

See 42 CFR 493.1221.

493.1243 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Chemistry. [Added]

See 42 CFR 493.1221.

493.1245 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Routine chemistry. [Added]

See 42 CFR 493.1221.

493.1247 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Endocrinology. [Added]

See 42 CFR 493.1221.

493.1251 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Urinalysis. [Added]

See 42 CFR 493.1221.

493.1253 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Hematology. [Added]

See 42 CFR 493.1221.

493.1255 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Pathology. [Added]

See 42 CFR 493.1221.

493.1257 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Quality control requirements for cytology. [Added]

(a) To maintain records of the number of slides examined by each individual during each 24 hour period and the number of hours each individual spends examining slides in the 24 hour period.

(b) To retain all normal, negative and unsatisfactory slide preparations.

Retention period 5 years from date of examination.

493.1259 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Histopathology. [Added]

To retain (a) stained slides and (b) specimen blocks.

Retention period: (a) At least 10 years from date of examination and (b) at least 2 years from date of examination.

493.1261 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Oral pathology. [Added]

See 42 CFR 493.1211, 493.1215, 493.1221, and 493.1259.

493.1263 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Radioassay. [Added]

See 42 CFR 493.1211, 493.1215, 493.1221, and 493.1259.

493.1265 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Histocompatibility. [Added]

To maintain records of the test results for each individual (previously tested specimen is given at least once each month to each individual performing tests as an unknown to verify ability to reproduce test results).

493.1273 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Immunohematological, collection, processing, dating periods, labeling and distribution of blood and blood products. [Added]

See 42 CFR 493.1221.

493.1285 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Facilities investigating transfusion reactions. [Added]

To document that all necessary remedial actions are taken to prevent recurrences and that all policies and procedures are reviewed to assure that they are adequate to ensure the safety of individuals being transfused within the facility.

493.1501 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Quality assurance. [Added]

To maintain records of quality assurance program, document all corrective actions taken to remedy problems identified and make records of corrective actions available to HHS or its designee.

Retention period: 2 years unless other time frames are specified or HH/S specifies a different intervals in Appendix C of the State Operations Manual (HCFA Pub. 7).

493.1601 Laboratories regulated under the Medicare, Medicaid and Clinical Laboratories Improvement Act of 1967 (CLIA'67) Programs—Inspection. [Added]

See 42 CFR 493.1501.

494.56 Suppliers of screening mammography services furnished to Medicare beneficiaries. [Added]

To maintain records to show that each employee is qualified for his or her position by means of appropriate State

licensure, other certification, training, and experience.

Retention period: Not specified.

494.58 Suppliers of screening mammography services furnished to Medicare beneficiaries. [Added]

To maintain records of previous screening mammographies obtained and of current and subsequent screening performed.

Retention period: At least 60 calendar months following the date of service or longer if required by State laws. If the supplier should cease to exist before the end of the 60 month period, the records must be transferred to the woman or her primary care provider.

494.64 Suppliers of screening mammography services furnished to Medicare beneficiaries. [Added]

To maintain records of qualified personnel assignments responsible for equipment quality assurance program specific to mammography imagery and covering all components of the x-ray system, from the x-ray generator to the image developer, to ensure consistently high-quality images with minimum patient exposure.

INTERIOR DEPARTMENT

Office of the Secretary

43 CFR

17.323 Recipients of Federal financial assistance from DOI.

To keep records in a form and containing information which Department of the Interior determines may be necessary to ascertain whether compliance of the Age Discrimination Act of 1975, as amended, has been met.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR

7.933 Recipients of Federal financial assistance from FEMA. [Added]

To maintain records in a form acceptable to FEMA and containing information which FEMA determines are necessary to ascertain compliance with the Age Discrimination Act of 1975.

206.16 Persons requesting funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

To maintain all books, documents, papers, and records relating to any activity undertaken or funded under the Stafford Act.

220.18 States implementing temporary relocation assistance under the Superfund Program.

To maintain adequate documentation to enable analysis of the program in accordance with regulations, manuals, handbooks, and guidance.

Retention period: Not specified.

HEALTH AND HUMAN SERVICES DEPARTMENT

Office of Family Assistance

45 CFR

250.76 State IV-A agencies participating in the Job Opportunities and Basic Skills Training Program.

To maintain financial records and accounts.

Retention period: Not specified.

250.82 State IV-A agencies participating in the Job Opportunities and Basic Skills Training Program.

To maintain an individual case record for each JOB participant.

Office of Child Support Enforcement

45 CFR

303.11 Child support enforcement (IV-D) agencies.

To retain all records for cases closed.

Retention period: For a minimum of 3 years in accordance with 45 CFR Part 74, Subpart D.

TRANSPORTATION DEPARTMENT

Coast Guard

46 CFR

160.176-17 Manufacturers of inflatable lifejackets.

To keep records required by 46 CFR 159.007-13. Such records must also include (a) for each test, the serial number of the test instrument used if there is more than one available; (b) for each test and inspection, the identification of the samples used, the lot number, the approved number, and the number of lifejackets in the lot; (c) for each lot rejected, the cause for rejection, any corrective action taken, and the final disposition of the lot; (d) records of all materials used in production and other such information as specified in cited section.

Retention period: 120 months after preparation.

160.176-19 Inflatable lifejacket servicing facilities.

To maintain records of all completed servicing. Such records must include at least the following: (a) Date of servicing, number of lifejackets serviced, lot

identification of the person conducting the servicing; (b) identity of the vessel receiving the serviced lifejackets; and (c) date of return to the vessel.

Retention period: For at least 5 years after records are made and records must be made available to any Coast Guard representative and independent laboratory inspection upon request.

272.7 Operators of operating-differential subsidized vessels. [Removed; record retention requirements now in 272.41]

272.41 Operators of operating-differential subsidized vessels. [Added]

To maintain files arranged by vessel and voyage, which shall include, at a minimum, a copy of the Region Office notice letter, a copy of the Form MA-140 with all supporting documents submitted therewith and the condition survey report.

Retention period: Not less than 3 years after completion of the audit.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR

2.954 Importers or manufacturers of radio frequency equipment subject to verification.

To maintain adequate identification records to facilitate positive identification for each verified device.

Retention period: Not specified.

2.955 Manufacturers (or importers of radio frequency equipment subject to verification).

To maintain records of the original design drawings and specifications and of the procedures used for production, inspection, and testing. To also maintain a record of the measurements made on appropriate test site that demonstrates compliance with applicable records. The record shall identify the measurement procedure that was used and shall include all the data required to show compliance with the appropriate regulations, and other records as specified in cited section.

Retention period: 2 years.

2.975 Manufacturers (or importers) of radio frequency equipment subject to verification.

To maintain records of measurement data, measurement procedures, photographs, circuit diagrams, etc. for the device to which the application applies.

Retention period: 2 years after the manufacturer of said equipment has been permanently discontinued, or until the conclusion of an investigation or proceeding if the holder of the grant of

equipment authorization is officially notified that an investigation or any other administrative proceeding involving the equipment has been instituted.

15.201 Holders of grants of certifications for perimeter protection systems operating in the frequency bands allocated to television broadcast stations.

To maintain a list of all installations and records of measurements.

Retention period: Not specified.

15.312 Holders of grants of authorization of perimeter protection systems.
[Removed, 1989; record retention requirements now in 15.201]

22.117 Licensees in the public mobile radio services. [Amended]

To retain as part of the records a copy of a completed table MOB III found in FCC Form 401. Records shall be made available to the Commission upon request.

Retention period: Not specified.

95.111 Licensees of personal radio services stations transferring control of a corporation. [Added]

To keep as part of the General Mobile Radio Service (GMRS) system records the FCC document granting the consent for the change of control. See also 47 CFR 95.113.

97.5 Licensees of amateur radio stations.

To maintain at the station the original written authorization document or photocopy which authorizes the use in accordance with the FCC rules of all transmitting apparatus under the physical control of the station licensee at points where the amateur service is regulated by the FCC.

97.28 Persons administering examinations for amateur station operator licenses.
[Removed, 1989]

97.36 Volunteer examiner coordinators and volunteer examiners preparing, processing or administering examinations for amateur station operator licenses.
[Removed, 1989; record retention requirements now in 97.527]

97.71 Licensees of amateur radio service.
[Removed, 1989; record retention requirements now in 97.311]

97.82 Licensees of amateur radio stations.

[Removed, 1989]

97.83 Licensees of amateur radio stations.
[Removed, 1989]

97.88 Licensees of amateur radio stations.
[Removed, 1989]

97.90 Licensees of amateur radio stations.
[Removed, 1989]

97.103 Licensees of amateur radio stations.

When deemed necessary by an Engineer in Charge (EIC) to assure compliance with the FCC rules, to maintain a record of station operations containing such items of information as the EIC may require in accordance with 47 CFR 0.314(x) of the FCC rules.

97.311 Licensees of amateur radio stations.

To maintain records documenting all SS emission transmissions. Such records must include sufficient information to enable the FCC using the information contained therein, to demodulate all transmissions.

Retention period: 1 year following the last entry.

97.527 Volunteer examiners and volunteer examiner coordinators preparing, processing, or administering examinations for amateur station operator licenses.

To maintain records of out-of-pocket expenses and reimbursement for each examination session.

Retention period: 3 years.

99.25 Licensees of disaster communications service radio stations.
[Removed]

99.27 Licensees of disaster communications service radio stations.
[Removed]

GENERAL SERVICES ADMINISTRATION

48 CFR

52.203-8 Contractors holding certificates of procurement integrity. [Added]

To maintain certifications.

Retention period: 6 years from the date a certifying employee's employment with the company ends or, for an agent, representative, or consultant, 6 years from the date such individual ceases to act on behalf of the contractor.

52.203-9 Contractors holding certificate of procurement integrity-modification.

See 48 CFR 52.203-8.

52.215-2 Contractors having cost-reimbursement, incentive, time-and-materials, labor-hour, or price-redeterminable contracts.

(a) To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all costs claimed to have been incurred or anticipated to be incurred in performing this contract.

(b) To maintain books, records, documents and other data (including computations and projections) related to negotiating, pricing, or performing the contract or modification, in order to evaluate the accuracy, completeness, and currency of the cost or pricing data.

Retention period: 3 years after final payment or for any shorter period as specified in 48 CFR Subpart 4.7, or for any longer period required by statute or by other clauses of the contract. If the contract is completely or partially terminated, the records relating to the work terminated shall be retained for 3 years after any resulting final termination settlement; and records relating to appeals under the Disputes clause or to litigation or the settlement of claims arising under or relating to the claims shall be retained until such appeals, litigation, or claims are disposed of.

52.215-32 Contractors submitting the Certificate of Commercial Pricing.
[Revised]

To maintain books, records, documents and other data relating to the pricing of commercial items.

Retention period: 3 years after final payment.

52.222-41 Contractors and subcontractors performing work subject to the Service Contract Act of 1965, as amended.

To maintain the following records for each employee subject to the Act: (a) Name and address and social security number; (b) correct work classification or classifications, rate or rates of monetary wages paid and fringe benefits provided, rate or rates of payments in lieu of fringe benefits, and total daily and weekly compensations; (c) daily and weekly hours worked by each employee; (d) any deductions, rebates, or refunds from the total daily or weekly compensation of each employee; and other such information as specified in cited section.

Retention period: 3 years from the completion of the work. Such records shall be made available for inspection and transcription by authorized representatives of the Wage and Hour

Division, Employment Standards Administration.

52.222-43 Contractors subject to the Fair Labor Standards Act and Service Contract Act—price adjustment (multiple year and option contracts).

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

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

DEFENSE DEPARTMENT

48 CFR

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

See 252.208-7000.

252.222-7000 Contractors with fixed price contracts containing potential application of the Service Contract Act, as amended clause. [Removed, 1989]

GENERAL SERVICES ADMINISTRATION

48 CFR

552.222-85 Contractors having fixed-price service contracts containing the Fair Labor Standards Act and Service Contract Act—price adjustment clause. [Removed, 1989]

552.222-86 Contractors having fixed-price contracts containing the Fair Labor Standards Act and Service Contract Act—price adjustment (multi-year and option contracts) clause. [Removed, 1989]

552.246-72 Contractors having contracts for supplies when such contracts contain source inspection clause.

To maintain at the point for source inspection, records showing for each order received under the contract: (a) Order number; (b) date order received; (c) quantity ordered; (d) date scheduled into production; (e) batch or lot number, if applicable; (f) date inspected and/or tested; (g) date available for shipment; and (h) date shipped or date service completed; and (i) National Stock Number (NSN), or if none is provided in the contract, the applicable item number of other contractual identification.

Retention period: At least 12 months after contract performance is completed.

552.246-73 Contractors having contracts

for supplies when such contracts contain source inspection clause. [Revised, 1989; record retention requirements now in 552.246-72]

OFFICE OF PERSONNEL MANAGEMENT

48 CFR

1652.204-70 Federal employees health benefits carriers. [Added]

To retain and make available all records applicable to a contract term that support the annual statement of operations and the rate submission for the contract term.

Retention period: 5 years after the end of the contract term to which the records relate, except that individual enrollee and/or patient claim records shall be maintained for 3 years after the end of the contract term to which the claim records relate.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR

1852.222-41 Contractors and subcontractors performing work subject to the Service Contract Act of 1965, as amended (April 1984).

To maintain records containing the following information for each employee subject to the Act: (a) Name and address and social security number of each employee; (b) correct work classification or declassifications, rate or rates of monetary wages paid and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation of each employee; (c) number of daily and weekly hours so worked by each employee; (d) any deductions, rebates, or funds from the total daily or weekly compensation of each employee; and (e) a list of monetary wages and fringe benefits for those classes of service employees not included in the wage determination attached to this contract but for which such wage rates or fringe benefits have been determined by the interested parties or by the Administrator or authorized representatives.

Retention period: 3 years from the completion of the work.

1852.222-43 Contractors having contracts containing the Fair Labor Standards Act and Service Contract Act—Price Adjustment (April 1984) clause.

To maintain any directly books, documents, papers, and records.

Retention period: 3 years after final payment under the contract.

1852.245-71 Contractors having contracts containing installation—provided Government property (March 1989) clause.

To maintain records of all items of installation—provided Government property including copies of all transaction documents used to describe changes to the record. The record and transaction documentation shall be maintained in such a condition that at any stage of completion of work under the contract, the status of the property including location, utilization, consumption rate, and identification can be readily ascertained.

Retention period: Not specified.

PANAMA CANAL COMMISSION

48 CFR

3552.236-76 Contractors subject to the accident prevention (Jan. 1990) contracts clause. [Added]

To maintain an accurate record of exposure data on all accidents incident to work performed under this contract resulting in death, traumatic injury, occupational disease, or damage to property, materials, supplies, or equipment.

Retention period: Not specified.

3552.236-85 Contractors subject to the record drawings (Jan. 1990) contract clause. [Added]

During the process of the work, to keep a careful and current record, on a separate set of contract drawings, of all changes and corrections from the layouts shown on the drawings.

Retention period: Not specified.

TRANSPORTATION DEPARTMENT

Office of the Secretary

49 CFR

24.9 State and local agencies participating in the uniform relocation assistance and real property acquisition Federal and federally assisted programs.

To maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with applicable regulations.

Retention period: For at least 3 years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled or in accordance with the applicable regulations of the Federal funding agency, whichever is later.

37.23 Public transit agencies providing transportation for individuals with disabilities. [Added]

To retain documentation of specific good faith efforts made when purchasing or leasing used vehicles that are not

readily accessible to and usable by individuals with disabilities.

Retention period: 2 years from the date the vehicles were purchased. Records shall be made available on request to the UMTA Administrator.

37.53 Public transit agencies providing transportation for individuals with disabilities. [Added]

To retain documentation of the specific good faith efforts made when purchasing or leasing used rapid or light red vehicles that are not readily accessible to and usable by individuals with disabilities.

Retention period: 2 years from the date the vehicles were purchased. Records shall be made available on request to UMTA Administrator.

37.83 Amtrak and commuter authorities providing transportation for individuals with disabilities. [Added]

To retain documentation of the specific good faith efforts made when purchasing or leasing used intercity or commuter rail cars that are not readily accessible to and usable by individuals with disabilities.

Retention period: 2 years from the date the cars were purchased. Records shall be made available on request to the UMTA or FRA Administrator, as applicable.

40.29 Drug testing laboratories.

To maintain all records pertaining to a given urine specimen. Such records shall include personnel files on all individuals authorized to have access to specimens; chain of custody documents; quality assurance/quality control records; procedure manuals; all test data (including calibration curves and any calculations used in determining test results); reports; performance records; performance testing; performance on certification inspection; and hard copies of computer-generated data.

Retention period: 2 years—may be extended upon written notification by a DOT agency or by any employer for which laboratory services are being provided. Documents for any specimen known to be under legal challenge shall be maintained for an indefinite period. Records shall be maintained in confidence.

Research and Special Programs Administration

49 CFR

107.504 Registrants engaging, manufacturing, assembling, certifying, inspecting or repairing cargo tanks or cargo tank motor vehicles.

To maintain a current copy of the registration information submitted to the

Department and a current copy of the registration number identification received from the Department.

Retention period: During such time the person is registered with the Department and for 2 years thereafter.

171.16 Motor carriers transporting hazardous materials.

To maintain a copy of the detailed hazardous materials incident reports.

Retention period: 2 years at the carriers' principal place of business, or at other places as authorized and approved in writing by an agency of the Department of Transportation.

172.602 Carriers transporting hazardous materials. [Added]

To maintain the basic description and technical name of the hazardous material as required by 49 CFR 172.202 and 172.203(k), the ICAO Technical Instructions, the IMDG Code, or the appropriate TDG Regulations, in the same manner as prescribed for shipping papers, except that the information must be maintained in the same manner aboard aircraft as the notification to pilot-in-command, and aboard vessels in the same manner as the dangerous cargo manifest. This information must be immediately accessible to train crew personnel, drivers of motor vehicles, flight crew members, and bridge personnel on vessels for use in the event of incidents involving hazardous materials.

172.606 Operators of facilities where hazardous materials are received, stored, or handled during transportation.

See 49 CFR 172.602.

173.163 Manufacturers of hydrogen fluoride (hydrofluoric acid, anhydrous) cylinders. [Added]

To maintain data sheet as prescribed by 49 CFR 173.34.

176.30 Carriers transporting or storing hazardous materials. [Added]

To maintain a copy of the dangerous cargo manifest, list, or storage plan.

Retention period: 1 year.

177.806 Shippers of hazardous materials offered by or consigned to the Department of Defense. [Added]

See 49 CFR 173.7.

177.814 Owners of cargo tank motor vehicles and motor carriers.

To maintain cargo tank motor vehicle manufacturer's certificate and other records.

Retention period: See 49 CFR 180.417.

177.816 Owners of motor vehicles transporting flammable cryogenic liquid in cargo tanks. [Added]

To maintain in the driver's qualification file, a record certifying that the current required training has been provided.

Retention period: As long as the driver is employed by the carrier and for 90 days thereafter.

178.320 Manufacturers of DOT specification cargo tank motor vehicles.

To retain the design certificate at principal place of business.

Retention period: As long as the manufacturer manufactures DOT specification cargo tanks.

178.601 Non-bulk packaging and package manufacturers. [Added]

(a) To keep records of design qualification tests, including specific types, dates, locations, packaging specifications, test specifics (drop heights, hydrostatic pressures, etc.), results, and test operators' names or name of person responsible for testing, for each packaging, at each location where that packaging is manufactured and at each location where design qualifications tests are conducted.

Retention period: As long as the packaging is produced and for at least two years thereafter.

(b) To keep records of periodic retests, including specific types, dates, location packaging specifications, test specific (drop heights, hydrostatic pressures, etc.), results, and test operators' name or name of person responsible for testing, at each location where that packaging is manufactured and at each location where periodic tests are conducted.

Retention period: Until such tests are successfully performed again and for at least two years from the date of each test.

Note: All records of design qualification tests and periodic retests must be made available for inspection by a representative of the Department upon request.

180.405 Owners of MC 331 cargo tanks.

To maintain at principal place of business a copy of the last exemption in effect that authorizes the transportation of ethane, refrigerated liquid, or ethane-propane mixture, refrigerated liquid, or hydrogen chloride, refrigerated liquid.

Retention period: During the period the cargo tank is in service.

180.405 Owners of DOT specification cargo tank motor vehicles.

To maintain the certificate that is withdrawn because the cargo tank is not

in conformance with the applicable specification requirements.

Retention period: At least 1 year after withdrawal of the certification.

180.409 Inspectors and testers. [Revised]

To maintain a copy of the tester's qualifications with the documents required by 49 CFR 180.417(b).

180.413 Owners of cargo tanks. [Amended]

To maintain at place of business all records of repairs or modifications made to each tank.

Retention period: During the time the tank is in service and for 1 year thereafter. Copies of these records may be retained by a motor carrier, who is not the owner, at principal place of business during the period the tanks are in the carrier service.

180.417 Owners and motor carriers of cargo tanks. [Amended]

To retain a copy of the test and inspection reports.

Retention period: Until the next test inspection of the same type is successfully completed.

180.417 Motor carriers using specification cargo tanks.

To retain the certificate that determines that the cargo tank conforms with the applicable specifications.

Retention period: As long as the cargo tank is used and for 1 year thereafter.

180.417 Owners of cargo tanks.

To maintain the manufacturer's data report or certificate and related papers certifying that the cargo tank identified in the documents was manufactured and tested in accordance with the applicable specification.

Retention period: Throughout ownership of the cargo tank and for 1 year thereafter. In the event of change of ownership, the prior owner shall retain non-fading photocopies of these documents for at least 1 year.

180.417 Motor carriers who are not owners of cargo tanks.

To retain a copy of the vehicle identification report at principal place of business.

Retention period: For as long as the cargo tank motor vehicle is used by that carrier and for 1 year.

198.39 States receiving full grant-in-aid for pipeline safety compliance program; one-call damage prevention program. [Added]

To maintain a record of each notice of intent to engage in an excavation activity for the minimum time set by the State or, in the absence of such time, for

the time specified in the applicable State statute of limitations on tort actions.

199.7 Operators of pipeline facilities, other than master meter systems, used for the transportation of natural gas or hazardous liquids and operators of liquefied natural gas (LNG) facilities.

To maintain and follow a written anti-drug plan that conforms to applicable requirements and the DOT Procedures.

Federal Railroad Administration

49 CFR

219.503 Railroad companies.

To retain record of pre-employment drug screening tests.

Retention period: 2 years from date of testing.

219.607 Railroad companies. [Removed, 1989; record retention requirements now in 219.713]

219.713 Railroad companies.

(a) To retain records of each test conducted that is reported as positive by the Medical Review Officer, including drug testing custody and control forms, laboratory reports, and certification statements.

Retention period: 2 years from date of sample collection; records of negative reports- 1 year.

(b) To maintain summary records of employee records of employee alcohol and drug test results conducted and rehabilitation (including primary treatment, aftercare, and follow-up alcohol/drug testing) for each covered employee.

Retention period: 5 years.

Note: Records required to be kept shall be made available to FRA as provided by section 208 of the Federal Railroad Safety Act of 1970.

225.27 Railroad companies. [Amended]

(a) To maintain logs, supplementary records, and annual summaries relating to railroad accidents.

Retention period: 5 years after end of calendar year to which they relate.

(b) To retain duplicates of all forms submitted to Federal Railroad Administration relating to railroad accidents.

Retention period: 2 years after end of calendar year to which they relate.

Federal Highway Administration

49 CFR

391.87 Motor carriers and persons operating commercial motor vehicles in interstate commerce. [Amended]

To maintain all records related to the administration and results of the drug testing program for its driver's subject to

the testing requirements, including information as specified in cited section.

Retention period: 5 years except records of individual negative test results-12 months.

391.103 Motor carriers and persons operating commercial interstate motor vehicles in interstate commerce. [Added]

To maintain in the driver's qualification files information on controlled substances testing.

Retention period: Not specified.

National Highway Traffic Safety Administration

49 CFR

580.8 Dealers, distributors, and lessors of motor vehicles subject to the Truth in Mileage Act of 1986.

(a) Dealers and distributors: To maintain a photostat, carbon, or other facsimile copy of each odometer mileage statement issued and received. To also retain a photostat, carbon, or other facsimile copy of each power of attorney that they receive.

(b) Dealers and distributors who are granted a power of attorney by their transferor: To retain all powers of attorney at their primary place of business in order that is appropriate to business requirements and that permits systematic retrieval.

Retention period: 5 years.

(c) Lessors: To retain each odometer disclosure statement which they receive from a lessee.

Retention period: 5 years following the date they transfer ownership of the leased vehicle.

586.6 Passenger car manufacturers. [Added]

To maintain records of Vehicle Identification Number for each passenger car for which information is reported under 49 CFR 586.5(b)(2).

Retention period: Until December 31, 1997.

592.6 Registered Importers of vehicles not originally manufactured to conform to the Federal Motor Vehicle Safety Standards.

To establish and maintain organized records, correspondence, and other documents relating to the importation, modification, and substantiation of certification of conformity to the Administrator.

Retention period: 8 years from the date of entry of any nonconforming vehicle for which it furnishes a certificate of conformity.

Urban Mass Transportation Administration**49 CFR****653.31 Recipients of Federal financial assistance from UMTA and operators for such recipients. [Suspended]**

To maintain all records related to the collection process and the reports of individuals not passing a drug test.

Retention period: 5 years.

Note: Part 653 was suspended until further notice at 55 FR 2526, Jan. 25, 1990.

INTERSTATE COMMERCE COMMISSION**49 CFR****1044.2 Motor carriers or brokers; filing a designation of process agent form. [Added]**

To retain one copy of Form BOC-3, Designation of Agent for Service of Process, at principal place of business.

1051.1 Motor carriers in interstate or foreign commerce. [Added]

To keep a copy of the receipt or bill of lading as prescribed in 49 CFR Part 1220.

1051.2 Motor carriers in interstate or foreign commerce. [Added]

To keep a copy of all expense bills issued for the period prescribed at 40 CFR Part 1220. If any expense bill is spoiled, voided, or unused for any reason, a copy or written record of its disposition shall be retained for a like period.

1152.32 Railroad companies.

To maintain records of the number of hours that each type of locomotive incurred in serving the segment during the subsidy period.

INTERIOR DEPARTMENT**Fish and Wildlife Service****50 CFR****21.12 State wildlife agencies, municipal parks, and public scientific or educational institutions possessing migratory birds.**

To maintain accurate records showing the numbers and kinds of such birds acquired, possessed, and disposed of; the names and addresses of persons from whom received or to whom delivered, and the dates of such transactions.

Retention period: 5 years following the end of the calendar year covered by the records.

21.27 Holders of special purpose permit issued for activities related to migratory birds, their parts, nests, or eggs.

To maintain adequate records describing the conduct of the permitted activity, the number and species of migratory birds acquired and disposed of under the permit, and inventorying and identifying all migratory birds held on December 31 of each calendar year. Records shall be maintained at the address listed on the permit; shall be in, or reproducible in English; and shall be available for inspection by Service personnel during regular business hours.

COMMERCE DEPARTMENT**National Oceanic and Atmospheric Administration****50 CFR****229.6 Exemption Certificate holders; commercial fishing operations.**

To maintain on board the fishing vessel, a daily log of fishing effort and incidental takes of marine mammals in such form as prescribed by the Assistant Administrator for Fisheries.

301.14 Operators of vessels five (5) net tons or greater engaged in halibut fishing.

To maintain an accurate log of all halibut fishing operations including the date, locality, amount of gear used, and the total weight of halibut taken daily in each locality.

Retention period: 2 years.

301.15 Operators of vessels engaged in commercial fishing for halibut.

To maintain a record of each such purchase or receipt of halibut on State fish tickets or Canadian Federal catch report, showing the date, locality, name of vessel, Halibut Commission license number, and the name of the person from whom the halibut was purchased or received and the amount in pounds according to trade categories of the halibut when halibut are delivered to other than a commercial fish processor or primary fish buyer.

Retention period: 2 years from the date the fish tickets are made.

301.15 Persons purchasing or receiving halibut.

To maintain records of each such purchase or receipt on State fish tickets or Canadian Federal catch report, showing the date, locality, name of vessel, Halibut Commission license number, and the name of the person from whom the halibut was purchased or received and the amount in pounds according to trade categories of the halibut.

Retention period: 2 years from the date the fish tickets were made.

380.6 Operators of vessels having harvesting or individual permits to import Antarctic marine living resources into the United States.

To accurately maintain on board the vessel, a fishing logbook and all other reports and records requested by the permit.

Retention period: Not specified.

380.8 Owners and operators of harvesting vessel; Antarctic Marine Living Resources Convention Act of 1984.

To maintain all records and documents pertaining to the harvesting activities of the vessel, including but not limited to production records, fishing logs, navigation logs, transfer records, product receipts, cargo stowage plans or records, draft or displacement calculations, customs documents or records, and an accurate hold plan reflecting the current structure of the vessel's storage and factory spaces.

Retention period: Not specified.

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

To maintain daily fishing records on forms available from the Science and Research Director.

Retention period: Monthly.

651.5 Owners and operators of vessels and headboats fishing for or landing reef fish in the Gulf of Mexico EEZ or adjoining waters. [Added]

To maintain a fishing record for each trip or a portion of such trips, as specified by the Science and Research Director, on forms provided by the Science and Research Director.

652.5 Dealers who buy surf clams or ocean quahogs from Federally regulated vessels. [Revised; record retention requirements now in 652.6]**652.6 Dealers receiving surf claims and ocean quahogs for commercial purposes other than transport on land and who do not remove them from the cage. [Added]**

To maintain at principal place of business records on (a) date of purchase or receipt; (b) permit number and address; (c) number of bushels by species; (d) cage tag numbers; (e) allocation permit number; (f) vessel name and permit number; (g) price per bushel by species; and (h) disposition of surf claims or ocean quahogs including permit number of recipient.

Retention period: For one year from the date of entry.

652.6 Processors receiving surf claims or ocean quahogs for commercial purposes and remove them from the cage. [Added]

To maintain at principal place of business records containing the following information: (a) Date of purchased or receipt; (b) name, permit number, and mailing address; (c) number of bushels by species; (d) cage number; (e) allocation permit number; (f) price per bushel by species; (g) size distribution; and (h) meat yield per bushel by species.

Retention period: One year.

652.6 Vessel owners or operators conducting Atlantic surf claim and ocean quahog fishing operations, except those conducted exclusively in waters of a state requiring cage tags or when surrendering the Federal fishing vessel permit. [Added]

To maintain on board the vessel, an accurate daily fishing log for each fishing trip, on forms supplied by the Regional Director showing (a) name and permit number of the vessel; (b) total amount of bushels of each species

taken; (c) date(s) caught; (d) time at sea; (e) duration of fishing time; (f) locality fished; (g) crew size; (h) crew share by percentage; (i) landing port; (j) date sold; (k) price per bushel; (l) buyer; (m) tag numbers from cages used; (n) quantity of surf claims or ocean quahogs discarded; and (o) allocation permit number.

Retention period: For one year after the date of the last entry in the log.

672.5 Operators of domestic fishing vessels and managers of shoreside processing facilities.

To maintain timely and accurate records, reports, and logbooks in a legible manner and in English and based on Alaska Local Time (ALT).

Retention period: Original copy of all logbooks must be retained on board the vessel or within the processing facility until the end of the fishing year and for as long after the end of the fishing year as fish or fish products recorded in the logbook are retained on board that vessel or at the processing facility.

675.5 Operators of vessels and managers of shoreside processing facilities.

See 50 CFR 672.5

685.4 Operators of permitted harvesting vessels engaged in Western Pacific Region Pelagic Fisheries. [Added]

To maintain, on board the vessel, an accurate and complete daily fishing log for each entire fishing trip on forms supplied by the Regional Director. All information specified on the form must be recorded within 24 hours of the completion of the fishing day. The daily fishing log will include the following information: (a) Name of vessel; (b) permit number of vessel; (c) date, time, latitude and longitude of the location at which set and the hauling of the longline are begun; (d) number of hooks set; (e) number of lightsticks used; (f) number of fish and tuna by species caught and kept per day; and other such information as specified in section cited.

Retention period: 1 year.

BILLING CODE 1505-02-T

Registered Federal Land

Friday
March 8, 1991

Part III

Department of the Interior

Office of Surface Mining Reclamation and
Enforcement

30 CFR Parts 723 and 845
Surface Coal Mining and Reclamation
Operations; Initial Regulatory Program
and Permanent Regulatory Program; Civil
Penalty Assessment Conference
Procedures; Final Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723 and 845

RIN 1029-AB22

Surface Coal Mining and Reclamation Operations; Initial Regulatory Program and Permanent Regulatory Program; Civil Penalty Assessment Conference Procedures

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) is revising its Initial and Permanent Regulatory Program regulations governing the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (the Act). The revision will extend by approximately 30 days the amount of time within which OSM may complete the necessary administrative actions to hold an assessment conference and by 15 days the amount of time within which a person charged with a violation may appeal an assessment conference officer's decision to the Office of Hearings and Appeals.

EFFECTIVE DATES: April 8, 1991.

FOR FURTHER INFORMATION CONTACT:

John A. Trelease, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, DC 20240. Telephone: 202-208-2550 (Commercial) or 268-2550 (FTS).

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Discussion
- III. Procedural Matters

I. Background

Section 518 of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 et seq., authorizes the Secretary of the Interior to assess civil penalties for violations of the Act. 30 CFR 723.18 of the Initial Program regulations, first promulgated on December 13, 1977 (42 FR 62702), and subsequently revised on September 4, 1980 (45 FR 58780), and February 8, 1988 (53 FR 3664), and 30 CFR 845.18 of the Permanent Program regulations first promulgated on March 13, 1979 (44 FR 15461), and subsequently revised on August 16, 1982 (47 FR 35640), and February 8, 1988 (53 FR 3664), govern the procedures for an assessment conference. When a violation of the Act occurs and a person is served with a

notice of a proposed civil penalty assessment for the violation, the person may request an assessment conference during which OSM shall review the proposed assessment or reassessment and consider all relevant information on the violation and the amount of the penalty. At the conclusion of an assessment conference the proposed penalty assessment shall be affirmed, raised, lowered, or vacated by the assessment conference officer. Following the determination by the assessment conference officer, the person may pay the penalty in full or petition the DOI Office of Hearings and Appeals (OHA) for review of a civil penalty in accordance with 30 CFR 723.19 or 845.19. The amount equal to the reassessed or affirmed penalty must then be submitted to OHA (to be held in escrow) along with the petition for review. The proposed rule to revise 30 CFR 723.18(b) and 845.18(b) was published on April 4, 1990 (55 FR 12624). The comment period closed on May 21, 1990. One commenter responded. No request was received for a public hearing and none was held. OSM has adopted the revisions as proposed.

II. Discussion

A. Sections 723.18 and 845.18—Procedures for Assessment Conference

1. Description of Rules

The 1988 revisions to the Initial and Permanent Program regulations at 30 CFR 723.18(a) and 845.18(a) extended by approximately 18 days the time by which a person assessed a civil penalty may request an assessment conference. Specifically, the time was extended from "15 days from the date the proposed assessment or reassessment is mailed" to "30 days from the date the proposed assessment or reassessment is received." However, the regulations at 30 CFR 723.18(b) and 845.18(b), which required OSM to hold an assessment conference "within 60 days from the date of issuance of the proposed assessment or the end of the abatement period, whichever is later", were not altered. A consequential effect of the revisions to §§ 723.18(a) and 845.18(a) was that the amount of time available for OSM to acknowledge the request for a conference, conduct research in preparation for the conference, schedule the conference, and then hold the conference was reduced from approximately 45 days to less than 30 days. This reduction further compounded the difficulty already experienced by OSM of completing within its regulatory deadline all the steps necessary for holding assessment conferences. The preparatory steps

outlined above were discussed in detail in the proposed rule at 55 FR 12625.

Final §§ 723.18(b) and 845.18(b) should provide adequate time to complete these steps by extending the amount of time allowed to hold an assessment conference by approximately 30 days. The rules specify that the 60 day period within which the conference must be held will run "from the date the assessment conference request is received or the end of the abatement period, whichever is later" rather than from the date the assessment is issued.

Since the person requesting the assessment conference is not required to prepay any proposed civil penalty assessment when the conference is requested, the extension of time will not result in any economic hardship for the person requesting the conference and will allow him or her more time to prepare for the conference.

2. Public Comments Received

The one commenter to the current rulemaking voiced three concerns about the proposed and existing assessment conference rules at 30 CFR 723.18(b) and 845.18(b). The commenter's first concern was that the rules illegally expand the time frames of section 518(c) of the Act within which an operator charged with a violation of the Act must either pay the proposed amount in full or, if formally contesting the amount of the penalty or the fact of the violation, prepay the proposed amount into an escrow account with the Secretary. The commenter quoted that portion of section 518(c) which provides:

Upon the issuance of a notice or order charging that a violation of the Act has occurred, the Secretary shall inform the operator within *thirty days* of the proposed amount of said penalty. The person charged with the penalty shall then have *thirty days* to pay the proposed penalty in full or, if the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed amount to the Secretary for placement in an escrow account . . .

(Emphasis added by commenter.)

The commenter cited to *Chevron, U.S.A., Inc. v. Natural Resources Defense Council*, 467 U.S. 837, 842 (1984), and other authorities for the proposition that the plain meaning of section 518(c) precludes the assessment conference time frames specified at 30 CFR 723.18(b) and 845.18(b).

OSM disagrees with the commenter. The informal assessment procedures of 30 CFR 723.18 and 845.18, which have been in existence since 1977 and 1979, respectively, and the changes adopted

today are supported by section 518(c) and the Secretary's general rulemaking authority set forth in section 201(c)(2) of the Act, 30 U.S.C. 1211(c)(2).

Two 30-day periods are specified in section 518(c) of the Act. The first, the 30-day period between the issuance of a notice of violation or cessation order and the Secretary's notification of the person issued the notice or order of the proposed penalty amount, is directory and waivable by the person requesting the assessment conference, who is part of the class that the provision is aimed at protecting. This view is consistent with court holdings that the first time frame is not jurisdictional. These holdings were based on the fact that the first sentence of section 518(c) does not expressly specify a consequence for failure to comply with its terms. See *United States v. Log Mountain Mining Co.*, 550 F. Supp. 811 (E.D. Tenn. 1982), *aff'd. without opinion sub nom. United States v. Moore*, 734 F.2d 17 (6th Cir. 1984), *cert. denied*, 469 U.S. 881 (1984), and *United States v. Bolton*, 781 F.2d 528 (6th Cir. 1985).¹

When a person requests an assessment conference under the Secretary's rules, the provision in section 518(c) that the Secretary inform the operator of the amount of the proposed penalty is satisfied upon the assessment conference officer notifying the person assessed of his or her decision to affirm, raise, lower or vacate a penalty. This action provides the person who has been issued a notice of violation or cessation order with final notice of the proposed penalty. By requesting an assessment conference, the person has consented to notification of the proposed penalty amount subsequent to the assessment conference. In effect, such action constitutes a waiver of notification of the proposed penalty within 30 days of the issuance of a notice of violation or cessation order.

The theory that the service of notice of proposed assessment may constitute initial, but not necessarily final, notice is not new. It is already embodied, in part, in the provisions of 30 CFR 723.17(c), 723.19(a), 845.17(c), and 845.19(a) which recognize that, in certain circumstances, reassessment of the initial proposed penalty may occur, and that the period for seeking formal administrative review runs from such reassessment.

Since their adoption, the assessment conference procedures have added an increased element of fairness to the enforcement process by allowing the person who has been issued a notice of violation or cessation order to contest the amount of the proposed penalty prior to paying it in full or prepaying it into escrow and pursuing formal administrative review. The amendments adopted today further contribute to that fairness, without prejudice to any other person, including the commenter.

The assessment conference procedures have also contributed to upholding the constitutionality of the 518(c) prepayment provision in the face of challenges that it was violative of due process. *Graham v. Office of Surface Min. Reclam. & Enforc.*, 722 F.2d 1106 (3rd Cir. 1983), *Blackhawk Mining Co. v. Andrus*, 711 F.2d 753 (6th Cir. 1983), *B & M Coal Corp. v. Office of Surface Min. Reclam. & Enforc.*, 699 F.2d 381 (7th Cir. 1983). In upholding the prepayment provision, the courts took into account the statutory and administrative review procedures available to operators prior to prepayment of the proposed penalty.

The *Graham* Court noted that the basic foundation of due process is the opportunity to be heard "at a meaningful time and in a meaningful manner." *Graham*, 722 F.2d at 1111, citing *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191 (1965). Under the *Armstrong* standard, adequate time should be afforded both the operator and the conference officer to reasonably comply with each step of the assessment conference procedures outlined at 30 CFR 723.18 and 845.18. The preambles to the present and prior assessment conference rules provide extensive practical justification for the time frames allotted for each of these steps. The commenter's second concern was that the extensive practical justification provided by OSM over the years in support of the assessment conference time frames was "illusory". As its sole basis for this characterization, the commenter pointed to one of the several factors included in the preamble to the proposed rule for further extending the time within which a conference must be held. The commenter objected to that portion of the preamble which explained that:

Many times the operator is not prepared to present his evidence on short notice. Operators frequently request 2 weeks advance notice of the conference date since they may have attorneys or consultants who will attend.

(55 FR 12624, April 4, 1990.)

The commenter asserted that this justification for further extending the

time within which a conference must be held ignores the fact that the operator is on notice of the charge against him and that any "short notice" to the operator is solely the result of his own delay in waiting until the last minute to request a conference.

Again, OSM disagrees with the commenter. Once the request has been made and a tentative conference date been set by the conference officer, an operator needs time to prepare to present his evidence—preeminently by ensuring the attendance of his attorney or consultant. The preamble passage objected to by the commenter is consistent with scheduling difficulties that are typically encountered in firming up an assessment conference date. In addition to considerations of the operator's own availability, the schedules of attorneys and consultants who often represent other clients need to be considered. The amount of advance notice needed to ensure the attendance of all parties concerned is but one of the several factors which must legitimately be considered in prescribing reasonable assessment conference time frames. Under the final rule, extending the time within which a conference must be held to 60 days from the date the request is received allows proper case preparation and reasonable scheduling while continuing to assure the conferences will be held in an expeditious manner.

The commenter's third concern is that the assessment conference time frames at 30 CFR 723.18(b) and 845.18(b) allow an operator to delay the payments prescribed under section 518(c) and thereby lessen OSM's prospects for collection. In support of this proposition, the commenter stated that a 1984 House Report "found that delays throughout the process (from issuance of the notice of violation through formal administrative review) * * * had led to a low collection rate." H.R. Rep. No. 98-1146, 98th Cong., 1st Sess. 5-19 (1984).

The Committee was concerned about "inordinate delays" resulting primarily from the process extending for much longer periods than allowed by the assessment rules. The regulatory time frames do not cause such inordinate delays.

Although the government is concerned about the prompt payment and collection of penalties, a limited extension of the deadline for holding an assessment conference is unlikely to have any effect on the collectability of penalties. The Government must assure the adequacy of the procedural protection available to individuals prior to the deprivation of property. It must

¹ On the other hand, the statute does provide a consequence for failure to pay or contest the amount of the penalty in a timely manner and, therefore, this requirement is jurisdictional. The changes to 30 CFR §§ 723.19 and 845.19, described later in this preamble, are a recognition of the jurisdictional nature of this latter requirement.

weigh its interest in prompt payment and collection of penalties against the private interest involved and the risk of erroneous deprivation. *Graham*, 722 F.2d at 1111, citing *Mathews v. Eldridge*, 424 U.S. 319, 96 S.Ct. 843 (1976). The *Graham* court considered each of these criteria in upholding the prepayment provisions of section 518(c) on the basis of the due process protection provided to the operator prior to prepayment. The time frames for informal review provided under the assessment conference procedures at 30 CFR 723.18(b) and 845.18(b) may therefore be seen as furthering, rather than thwarting, the purposes of section 518(c), as suggested by the commenter.

B. Sections 723.19(a) and 845.19(a)—Request for Hearing.

In response to the comment discussed earlier in this preamble concerning the consistency of the proposed amendments with the time frames of section 518(c) of the Act, OSM re-examined the assessment conference procedures in the context of the section 518(c) requirements. As a result of that comment and OSM's subsequent examination of the statute, OSM is amending 30 CFR 723.19(a) and 845.19(a) to extend the time for submitting a petition for a hearing and prepaying the proposed penalty into escrow from 15 days to 30 days.

As discussed earlier, in situations where an assessment conference is requested and held, the Secretary's final notification to the operator of the amount of the proposed penalty does not occur until service of the conference officer's decision either affirming or reassessing the penalty. Under section 518(c) of the Act, the person wishing to contest either the amount of the penalty or the fact of the violation has 30 days following notice of the proposed penalty amount to forward that amount to the Secretary for placement into escrow. Prior to today's amendments, however, §§ 723.19(a) and 845.19(a) provided that the person charged with the violation has only 15 days from the date of service of the conference officer's action to pay in full or seek formal administrative review.

Accordingly, the Secretary is revising §§ 723.19(a) and 845.19(a) to provide the full 30 days allowed by the statute. This change stems directly from the commenter's concern about the consistency of the Secretary's rules with the time frames set forth in the Act and OSM's subsequent recognition of the need to provide the full 30 days the statute allows to pay the penalty in full or to prepay the penalty amount into

escrow and to contest the penalty or violation.

Conforming changes to the OHA rules at 43 CFR 4.1151(b) will also be required to increase from 15 to 30 days the time frame within which a petition for review must be filed following service of notice by an assessment conference officer that the conference is deemed completed.

Effect of the Rule in Federal Program States and on Indian Lands

This rule will apply, through cross-referencing, to the following States with Federal programs: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for these States appear at 30 CFR parts 905, 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. The rule will also apply through cross-referencing to Indian lands under the Federal program for Indian lands as provided in 30 CFR part 750. No comments were received concerning unique conditions in any of these States or on Indian lands which would require changes to the national rules or as specific amendments to any or all of the Federal programs.

Effect of the Rule in States With Primacy

Section 518(i) of the Act and 30 CFR 840.13(c) of the regulations require approved State programs to contain civil penalty assessment procedures which are the same as or similar to the provisions of section 518 of the Act and consistent with those of 30 CFR part 845. The time allowed for holding an assessment conference is not prescribed in the Act; thus, the applicable standard governing the adequacy of State program provisions under 30 CFR 840.13(c) is whether the approved State programs contain procedural requirements relating to civil penalties which are consistent with (i.e., no less effective than) 30 CFR 845.18, as amended. Because OSM allows the States reasonable latitude in establishing certain procedural time frames, and because this rule merely extends one of such time frames, States do not have to adopt this change.

III. Procedural Matters.

Executive Order 12291 and the Regulatory Flexibility Act

The Department of the Interior has determined this document is not a major rule under E.O. 12291 and certifies this document will not have a significant economic impact on a substantial number of small entities under the

Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Federal Paperwork Reduction Act

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

National Environmental Policy Act

OSM has prepared an environmental assessment, and has made a finding that the proposed rule would not significantly affect the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The environmental assessment is on file in the OSM Administrative Record at the address previously specified (see "ADDRESSES").

Author

The principal author of this rule is John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: 202-208-2550 (Commercial) or 202-208-2550 (FTS).

List of Subjects

30 CFR Part 723

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 845

Administrative practice and procedure, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surface mining, Underground mining.

Accordingly, 30 CFR parts 723 and 845 are amended as follows:

Dated: January 22, 1991.

Dave O'Neal,

Assistant Secretary—Land and Minerals Management.

Subchapter B—Initial Program Regulations

PART 723—CIVIL PENALTIES

1. The authority citation for part 723 continues to read as follows:

Authority: Surface Mining Control and Reclamation Act of 1977, secs. 201, 501, 518 (30 U.S.C. 1211, 1251, 1268), unless otherwise noted; and Pub. L. 100-34.

2. Section 723.18(b)(1) is revised to read as follows:

§ 723.18 Procedures for assessment conferences.

* * * * *

(b)(1) The Office shall assign a conference officer to hold the assessment conference. The assessment conference shall not be governed by section 554 of title 5 of the United States Code, regarding requirements for formal adjudicatory hearings. The assessment conference shall be held within 60 days from the date the conference request is received or the end of the abatement period, whichever is later.

3. Section 723.19(a) is revised to read as follows:

§ 723.19 Request for hearing.

(a) The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty to the Office of Hearings and Appeals (to be held in escrow as provided in paragraph (b) of this section) within 30 days from receipt of the proposed assessment or reassessment or 30 days from the date of service of the conference officer's action, whichever is later. The fact of the violation may not be contested, if it has been decided in a review proceeding

commenced under section 525 of the Act and 43 CFR part 4.

Subchapter L—Permanent Program Inspection and Enforcement Procedures

PART 845—CIVIL PENALTIES

1. The authority citation for part 845 continues to read as follows:

Authority: Pub. L. 95-87, 91 Stat. 445 (30 U.S.C. 1201 *et seq.*); and Pub. L. 100-34.

2. Section 845.18(b)(1) is revised to read as follows:

§ 845.18 Procedures for assessment conferences.

(b)(1) The Office shall assign a conference officer to hold the assessment conference. The assessment conference shall not be governed by section 554 of title 5 of the United States Code, regarding requirements for formal adjudicatory hearings. The assessment conference shall be held within 60 days from the date the conference request is received or the end of the abatement period, whichever is later: *Provided*, That a failure by the Office to hold such

conference within 60 days shall not be grounds for dismissal of all or part of an assessment unless the person against whom the proposed penalty has been assessed proves actual prejudice as a result of the delay.

3. Section 845.19(a) is revised to read as follows:

§ 845.19 Request for hearing.

(a) The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty to the Office of Hearings and Appeals (to be held in escrow as provided in paragraph (b) of this section) within 30 days from receipt of the proposed assessment or reassessment or 30 days from the date of service of the conference officer's action, whichever is later. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under 30 CFR 843.16.

[FR Doc. 91-5442 Filed 3-7-91; 8:45 am]

BILLING CODE 4310-05-M

Federal Register

Friday
March 8, 1991

Part IV

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 16

Health Warning Statement on Labels of Alcoholic Beverages; Request for Information; Notice of Request for Information

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 16

[Notice No. 713]

RIN 1512-AA82

Health Warning Statement on Labels of Alcoholic Beverages—Request for Information (88F406P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of request for information.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is issuing this notice to obtain information which will enable the agency to determine whether the wording of the alcohol health warning statement should be amended. This action is being taken by ATF in order to comply with section 206 of the Alcoholic Beverage Labeling Act of 1988 (ABLA) which requires the Secretary to report to Congress available scientific information which justifies a revision in the health warning statement, together with recommendations for such amendments to the law as he determines to be appropriate and in the public interest.

DATES: Information must be received on or before July 8, 1991.

ADDRESSES: Send information to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, ATTN: Notice No. _____.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:**Background**

On February 14, 1990 ATF issued final regulations (T.D. ATF-294, 55 FR 5414) implementing the provisions of the Alcoholic Beverage Labeling Act of 1988, title VIII of the Anti-Drug Abuse Act of 1988 (enacted November 18, 1988). These regulations, which became effective on November 14, 1990, require that the following health warning statement appear on the labels of all containers of alcoholic beverages sold or distributed in the United States, as well as on

containers of alcoholic beverages that are sold, distributed, or shipped to members or units of the U.S. Armed Forces, including those located outside the United States:

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

The health warning statement requirement applies to alcoholic beverages bottled on or after November 18, 1989.

The final rule was preceded by a notice of proposed rulemaking (Notice No. 678, February 16, 1989; 54 FR 7164), which solicited comments on the Bureau's temporary regulations (T.D. ATF-282, February 16, 1989; 54 FR 7160). The temporary regulations apply to products bottled between November 18, 1989, and November 13, 1990.

Report to Congress

As stated in section 206 of the ABLA, 27 U.S.C. 217:

If, after appropriate investigation and consultation with the Surgeon General carried out after the expiration of the 24-month period following the date of enactment of this title, the Secretary [of the Treasury] finds that available scientific information would justify a change in, addition to, or deletion of the [health warning] statement, or any part thereof, * * *. The Secretary shall promptly report such information to the Congress together with specific recommendations for such amendments to this title as the Secretary determines to be appropriate and in the public interest.

Prior to the issuance of the final rule on the health warning statement, ATF received correspondence from several industry members regarding section 206. These individuals requested that the Bureau withhold publication of final regulations until after the Secretary's report was submitted to Congress, in order to avoid possible additional costly label revisions. It was their understanding that section 206 required such report to be submitted to Congress no later than November 18, 1990, i.e., two years after the date of enactment of the ABLA.

However, the legislative history of the ABLA clearly shows that Congress intended that the Secretary's "investigation and consultation" should commence two years from the date of enactment. In that regard, the report of the Senate Committee on Commerce, Science, and Transportation on the

Alcoholic Beverage Labeling bill (S. 2047) stated:

If the Secretary determines, as a result of investigations and consultations beginning 2 years after the date of enactment of this title * * *, that available scientific information would justify a change in the label required by this title, the Secretary is to report that information to the Congress. [Emphasis added] S. Rep. No. 596, 100th Cong., 2d Sess. 8 (1988).

It is ATF's understanding that the National Institute on Alcohol Abuse and Alcoholism (NIAAA) has issued several grants to measure the impact of alcohol warning labels. This action was initiated by NIAAA in response to the law's requirement for "consultation with the Surgeon General."

Request for Information

In order to comply with section 206 of the ABLA, ATF is requesting scientific information, i.e., medical research, scientific studies, reports, consumer surveys, research literature, etc., that might justify a change in, addition to, or deletion of the health warning statement, or any part thereof. Information submitted should not be limited to that completed within the last few years. Although ATF believes that such information may be more valid, the agency is seeking any pertinent information on the subject.

The Bureau is also interested in studies that are currently in progress and, if available, any interim findings. The agency would also like to be apprised of any studies currently underway which may not be completed within the 120 day comment period, along with a projected target date for completion.

Scope of Comments

The Bureau requests that comments be limited to only the issue raised in this notice and that the information submitted include official documents, published reports, etc.

Drafting Information

The author of this document is James P. Ficaretta, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority: This notice is issued under the authority in 27 U.S.C. 215 and 217.

Approved: March 1, 1991.

Stephen E. Higgins,

Director.

[FR Doc. 91-5448 Filed 3-7-91; 8:45 am]

BILLING CODE 4810-31-M