



U.S. Department of
Transportation

General Counsel

400 Seventh St., S.W.
Washington, D.C. 20590

October 9, 1992

Samuel D. Woolsey
14 Creekwood Ct.
Danville, CA 94526

Dear Mr. Woolsey:

Pursuant to your FOIA request dated January 25, 1992, please find enclosed a copy of a memorandum dated July 11, 1973, from Louis Coomes to the Associate General Counsel, Regulations and Codification Division.

If we can be of further assistance, please let us know.

Sincerely,


Michael D. Triplett

Enclosure

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

WASHINGTON, D.C. 20591



DATE: July 11, 1973
IN REPLY REFER TO: AGC-24
SUBJECT: Missing Regulatory Dockets 40, 41 and 42
TO: Associate General Counsel
Regulations and Codification Division

On July 2, 1973, I received a letter dated June 26, 1973, from the law firm of Bryan, Cave, McPheeters & McRoberts, requesting a copy of all written comments received in response to a notice of proposed rulemaking (Draft Release 59-4). This material is contained in Regulatory Docket 40.

On June 2, 1971, Mr. Charles Peters, Associate General Counsel of the Litigation Division, requested the following Regulatory Dockets:

1. Regulatory Docket No. 40 - Draft Release No. 59-4 Irregular Air Carrier and Off-Route Rules - Maximum Age Limitations for Pilots.

(Docket 40 consisted of two volumes - Vol. I, a red pressboard folder and Vol. II, an accordion expansion folder with a tie)

2. Regulatory Docket No. 41 - Draft Release No. 59-5 Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the U. S. - Maximum Age Limitations for Pilots
3. Regulatory Docket No. 42 - Draft Release No. 59-6 Scheduled Interstate Air Carrier Certification and Operation Rules - Maximum Age Limitations for Pilots.

These dockets had been closed and had been retired to the National Records Center. I called the Records Center on that day and ordered the two boxes (Boxes 20 and 21) which contained these Regulatory Dockets. They arrived several days later and I delivered the four files to Mr. Peters. Sometime later Mr. Peters came to my desk and asked if anyone had returned to me the Regulatory Dockets 40, 41 and 42, that they were missing from his desk. I had not seen them.

On January 21, 1972, I checked again with Mr. Peters and found the dockets were still missing. I told him I planned to return Boxes 20 and 21 to the National Records Center and that I would insert "charge out" cards in the boxes, stating the dockets were charged out to him. He gave his approval.

After receiving the recent request for material contained in Regulatory Docket No. 40, I contacted the Litigation Division to see if perhaps the missing Dockets had turned up when Mr. Peters' office was cleaned out following his retirement. I was told they had not been found and that at the time of the loss Mr. Peters had looked through the several boxes of litigation files pertaining to "Age 60" in an attempt to locate them.

Louise Coomes
Louise Coomes, AGC-24