

**REQUEST FOR RECORDS DISPOSITION AUTHORITY**  
(See Instructions on reverse)

*100920081*

TO: **GENERAL SERVICES ADMINISTRATION,  
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408**

LEAVE BLANK	
JOB NO	
NCI-60-81-11	
DATE RECEIVED	
June 3, 1981	
NOTIFICATION TO AGENCY	
In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
4-6-83	<b>WITHDRAWN</b>
<i>Date</i>	<i>Archivist of the United States</i>

1. FROM (AGENCY OR ESTABLISHMENT)  
**Department of Justice**

2. MAJOR SUBDIVISION  
**Antitrust Division**

3. MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER *5/27/81*  
**Katherine Crump-Wiesner** *KCW*

5. TEL. EXT.  
**633-2257**

6. CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 9 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

**A Request for immediate disposal.**

**B Request for disposal after a specified period of time or request for permanent retention.**

C. DATE <b>5-27-81</b>	D. SIGNATURE OF AGENCY REPRESENTATIVE <i>Robert M. Yahn</i> <b>Robert M. Yahn</b>	E. TITLE <b>Chief, Records Maintenance and Disposition Section, Records Management Group/RPS/OPA/JMD</b>
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7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p align="center"><u>RECORDS OF THE ANTITRUST DIVISION</u></p> <p>This request for records disposition authority covers all records of the Antitrust Division, Department of Justice, except those covered by schedule #NCI-60-79-8 (9-24-79) and those covered by the GSA General Records Schedules.</p>		<i>withdrawn</i>

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## DESCRIPTION OF RECORDS

### Files of closed investigations, cases and other matters.

The files of the Antitrust Division, Department of Justice, consist of records created by the Division in carrying out its responsibilities in matters arising under the antitrust and kindred laws of the United States in which legal action was taken or considered.

Files are arranged by a subject-numeric system that uses file numbers made up of several parts. The primary classes of files are identified by the first part of the file number and are used Department-wide to identify specific Federal law or other subject topic. The second part of the file number is one to three digits long and indicates the commodity or industry involved. The third or last part indicates the chronological sequence of individual files within the indicated subject classification and commodity.

For records management purposes, Antitrust Division files may be divided into three categories based upon the classifying first part of the file number.

### Category I: Antitrust

#### Class 60 - Antitrust Violations

The Sherman Antitrust Act (15 U.S.C. §§ 1-7)  
The Clayton Antitrust Act (15 U.S.C. §§ 12, 14-27)  
Bank Merger Act (12 U.S.C. § 1828)  
Bank Holding Company Act (12 U.S.C. § 1841)  
Federal Deposit Insurance Act (12 U.S.C. § 1828)  
Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337)  
Trade Act of 1974 (19 U.S.C. §§ 2251, 2436)  
Wilson Tariff Act (15 U.S.C. § 8-11)  
Department of Energy Organization Act (42 U.S.C. § 7101)  
Atomic Energy Act of 1954 (42 U.S.C. § 2135)  
Deepwater Port Act of 1974 (33 U.S.C. § 1506(a))  
Energy Policy and Conservation Act of 1975 (42 U.S.C. § 6272)  
Federal Coal Leasing Amendments Act of 1976 (30 U.S.C. §§ 181)  
Outer Continental Shelf Lands Act (42 U.S.C. § 1331)

These cases and investigations involve (1) price-fixing, bid-rigging, customer allocation, and other agreements among private parties intended to reduce competition and maintain or raise the price of goods and services, and (2) efforts to eliminate undue concentration of economic power and patterns of monopoly.

In general, files consist of investigative reports, transcripts, memoranda of law, court decisions, correspondence, appellate briefs, evidentiary materials, and staff working papers.

Category II: Consumer Protection

Class 21 - Food and Drug (All cases other than Seizures)  
Food, Drug, and Cosmetic Act (21 U.S.C. § 301)  
Class 22 - Other Food and Drug (Seizures)  
Food, Drug, and Cosmetic Act (21 U.S.C. § 301)  
Class 102 - Federal Trade Commission Act  
Federal Trade Commission Act (15 U.S.C. §§ 45, 50-54)  
Fair Packaging and Labeling Act (15 U.S.C. § 1451)  
Cigarette Labeling and Advertising Act as amended by the Public  
Health Smoking Act (15 U.S.C. § 1331)  
Magnuson-Moss Warranty Act (15 U.S.C. § 2301)  
Equal Credit Opportunity Act (15 U.S.C. § 1691)  
Fair Debt Collection Practices Act (15 U.S.C. § 1692)  
Class 104 - Federal Caustic Poison Act and Federal Hazardous  
Substance Labeling Act  
Consumer Product Safety Act (15 U.S.C. et seq.)  
Hazardous Substances Act (15 U.S.C. § 1261)  
The Child Protection and Toy Safety Act of 1969 (15 U.S.C. §§ 1261,  
1262, 1274)  
Poison Prevention Packaging Act (15 U.S.C. § 1471)  
Flammable Fabrics Act (15 U.S.C. § 1261, et seq.)  
Refrigerator Safety Act (15 U.S.C. § 1211, et seq.)  
Class 176 - Consumer Credit Protection Act  
Federal Truth in Lending Act (15 U.S.C. § 1601)  
Equal Credit Opportunity Act (15 U.S.C. § 1691)  
Fair Debt Collection Practices Act (15 U.S.C. § 1692)  
Class 183 - Automobile Identification Act, and Odometer Statute  
Disclosure of Automobile Information Act (15 U.S.C. § 1231)  
Motor Vehicle Information and Cost Savings Act (15 U.S.C. § 1981)

These matters involve the control, direction, and conduct of litigation to enforce consumer protection statutes and the preparation of comments on the competitive impact of proposed rules and regulations designed to protect consumers.

In general, files include investigative reports, transcripts, memoranda of law, court decisions, correspondence, appellate briefs, evidentiary material, and staff working papers.

Category III: Other Regulatory

Class 14 - Cotton Futures Act (Act of 8-18-14)  
Class 24 - High Cost of Living (No statute)  
Class 59 - Railroads, Transportation, ICC Act  
Interstate Commerce Act (49 U.S.C. § 81)  
Railroad Revitalization and Regulatory Reform Act of 1976  
Class 61 - Shipping Act of 1916 (46 U.S.C. § 801, et seq.)  
Class 63 - Warehouse Act (7 U.S.C. § 270)  
Class 67 - Bail Bonds and Forfeitures  
Class 82 - Communications Act  
Communications Act of 1934 (47 U.S.C. § 151)  
Class 88 - Air Traffic Act, Review of CAB Orders  
Federal Aviation Act (49 U.S.C. §§ 1378-84)

Class 115 - Tennessee Valley Authority (55 U.S.C. § 599-600)  
Class 128 - Connolly Hot Oil Act (15 U.S.C. § 715)  
Class 132 - Bituminous Coal Conservation Act  
Class 134 - Labor (Wagoner Act); National Labor Relations Act  
Class 146-51-2 and Class 146-58 - Surplus Property Act (50 U.S.C. §§ 1636, 1627), Federal Property and Administrative Services Act (40 U.S.C. § 488)

These matters involve the elimination of unnecessary regulation and the adoption of the least anticompetitive means of achieving overriding social purposes through participation in proceedings before regulatory agencies and in executive branch deliberations relating to competition policy. In addition to participating in adjudicatory hearings and rulemaking proceedings of Federal regulatory agencies, the Division undertakes enforcement activities (investigations and prosecutions) where appropriate to ensure that the special benefits of government regulation, including antitrust immunity, are obtained only by following the procedures of the specific regulatory scheme.

In general, files consist of investigative reports, copies of documents filed with regulatory bodies, transcripts, memoranda of law, court decisions, correspondence, appellate briefs, evidentiary materials, and staff working papers.

A substantial part of the material in these files is case-specific and is needed by the Division for only a few years after the matter is closed. Some documents in the more recent files have reference value in the development of legal arguments and the analysis of evidence in the history of particular industries which is helpful to future case development. From the files of our Washington offices, the documents of more lasting value are in the Division's "correspondence" files, and some have been microfilmed. Less valuable materials are filed separately in "enclosure" files. In the Division's field offices, valuable reference documents are kept together with less valuable materials in the files for matters closed before January 1, 1981.

The bulk of material in Division files is routine, noncontroversial, and fragmentary. Except for the materials on certain landmark antitrust cases and the Division's legislative and policy documents, these files are of little interest to historians.

DISPOSAL OF RECORDS

DESCRIPTION OF RECORDS

DISPOSITION

I. Correspondence Files

These files contain correspondence, memoranda, trial transcripts, deposition records, briefs, copies of formal pleading documents filed by the Division or by defendants with the courts, and copies of all filings with regulatory agencies. This material is of value to Division attorneys for research purposes in conducting new investigations in the industry. Some correspondence files transmitted to FARC from 1963 to 1979 have been micro-filmed.

A. Selected correspondence files of significant historic value.

Closed matters selected by the Antitrust Division according to one or more of the following criteria:

1. Cited by name in the Annual Report of the Attorney General before 1981.
2. Significant legal impact on statutes, rules or regulations, or law enforcement policies.
3. Significant in terms of actual or potential economic impact.
4. Intense public interest, expressed by (1) ongoing oversight interests of a Congressional committee or a demonstrated interest by the Executive Office of the President, or (2) a high degree of national media attention.

PERMANENT.

Retire to FARC after close of the matter.

Files will be offered to NARS 30 years after close of the investigation, case, or matter. Estimated volume of paper: 4 feet per year.

Prior to transfer of files to FARC, files selected for permanent retention will be listed individually by matter name on Standard Form 135, Records Transmittal and Receipt, and transmitted separately from unselected records.

For matters transferred to FARC before 1981, the Division will prepare and submit a list of selected matters with accession and box location.

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B. Unselected Matters. Correspondence files which are not of significant historic value.

1. Enforceable Decrees. File of cases involving decrees. These files contain all correspondence file documents for certain civil antitrust cases.

Retire to FARC after close of case.

a. Cases where decree has a definite expiration date.

Destroy one year after the decree is no longer enforceable or 30 years after entry of the decree, whichever period is longer.

b. Cases where decree has no definite expiration date.

Retire separately from case files with decrees having a definite expiration date. Destroy when decree is no longer enforceable. Review for destruction 30 years after entry of the decree, and every five years thereafter.

2. Other Files

Retire to FARC after close of matter.

Destroy when 30 years old.

C. Paper Correspondence Files when microfilm has been made and verified.

Destroy paper copy immediately.

II. Enclosure Files.

These files contain background information, copies of evidentiary materials, and working papers. This material is of value to new investigations in the industry if it is fairly recent. Lengthy or bulky documents such as transcripts may also be contained in the enclosure files. These are all paper records.

A. Selected Matters

1. Files Retired After January 1, 1981.

After January 1, 1981, enclosure file materials se-

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	lected for permanent retention will be boxed with related correspondence files prior to transfer to FARC.
<p>a. <u>Selected documents.</u> Documents selected for their research and historical value include transcripts, exhibits, and depositions.</p>	PERMANENT. Disposition in accordance with the standards set forth in IA.
<p>b. <u>Other documents.</u></p>	Destroy when 15 years old.
<p>2. <u>Files Retired Before January 1, 1981.</u></p>	Enclosure files on selected matters retired before January 1, 1981, will be offered to NARS when 30 years old, along with the related correspondence files as described in IA above. For this purpose, a list of selected matters with accession and box location numbers will be prepared by the Division and submitted on Standard Form 135.
<p>a. Enclosure documents identified and selected by NARS personnel as having historical or other research value.</p>	PERMANENT. Transfer to NARS when 30 years old.
<p>b. Enclosure documents not selected for permanent retention.</p>	DESTROY when selection process is completed.
<p>B. <u>Unselected Matters.</u></p>	
<p>1. <u>Field office files for matters closed prior to January 1, 1981.</u></p>	Retire to FARC as space requirements and frequency of use dictate.
<p>a. <u>Enforceable Decrees.</u></p>	
<p>(1) Cases where decree has a definite expiration date.</p>	Destroy one year after the decree is no longer enforceable or 30 years after entry of the decree, whichever period is longer.

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<p>(2) Cases where decree has no definite expiration date.</p> <p>b. <u>Others.</u></p> <p>2. <u>Headquarters unselected enclosure files and field office unselected files for matters closed after January 1, 1981.</u></p> <p>a. <u>Enforceable Decrees.</u></p> <p>(1) Cases where decree has a definite expiration date.</p> <p>(2) Cases where decree has no definite expiration date.</p> <p>b. <u>Others.</u></p>	<p>Retire separately from case files with decrees having a definite expiration date. Destroy when decree is no longer enforceable. Review for destruction 30 years after entry of the decree, and every five years thereafter.</p> <p>Destroy 15 years after the close of the matter.</p> <p>Transfer to FARC after close of the matter.</p> <p>Destroy one year after the decree is no longer enforceable or 15 years after entry of the decree, whichever period is longer.</p> <p>Retire separately from case files with decrees having a definite expiration date. Destroy when decree is no longer enforceable. Review for destruction 30 years after entry of the decree, and every five years thereafter.</p> <p>Destroy when 15 years old.</p>
<p>III. <u>General Files.</u></p> <p>General files identified by the following series of standard sub-numbers, each representing a category applicable to all classes, arranged chronologically.</p> <p>These files consist of notes, correspondence, memoranda, reports, legislative proposals, directives and policy documents. They are of long-term operating value for determining the content and direction</p>	<p>General files will be listed individually on Standard Form 135 and boxed separately for transmittal to FARC as space requirements and frequency of use dictate.</p>



## DESCRIPTION OF RECORDS

## DISPOSITION

of Division policy and are of historical value to researchers in the area of antitrust enforcement and Federal economic policy.

These sub-numbers are used immediately after the standard primary class number.

- A. 012 - Policy and Procedure  
016 - Definitions and Interpretations.
- B. General files identified by an "01," indicating Legislation.
- C. All other general files identified by an "0" sub-number somewhere after the standard primary class number (other than 01, 012, 016), arranged chronologically.

PERMANENT. Offer to NARS 30 years after date of transfer to FARC.

This class is not approved for disposition at this time.

Retire to FARC as space requirements and frequency of use dictate.

These files will be boxed separately from all other files according to the year in which they will be destroyed with only one destruction date per box.

Destroy when 10 years old.

Microfilm Standards

Correspondence files were filmed, using equipment, film stock, facilities, and processing and testing procedures which meet or exceed standards set forth in 41 CFR 101-11.506 and will be handled and stored in accordance with procedures outlined in 41 CFR 101-11.507 and 11.508.

One silver halide duplicate and one diazo duplicate, produced in accordance with 101-11.506.3 and verified for completeness and accuracy are being generated for transfer to the Federal Records Center as per 101-11.509.