

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

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

1. FROM (AGENCY OR ESTABLISHMENT)

Interstate Commerce Commission

2. MAJOR SUBDIVISION

Bureau of Enforcement

3. MINOR SUBDIVISION

4. NAME OF PERSON WITH WHOM TO CONFER

Carroll Stearns

5. TEL EXT

275-7115

LEAVE BLANK	
JOB NO	NC1-134-76 - 8
DATE RECEIVED	AUG 11 1976
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disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
10-20-76 <i>Date</i>	<i>James B. Rhoads</i> <i>Archivist of the United States</i>

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 8 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	D. SIGNATURE OF AGENCY REPRESENTATIVE	E. TITLE
8/4/76	<i>Rahel Oswald</i>	Secretary

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>BUREAU OF ENFORCEMENT</u></p> <p>The Bureau of Enforcement initiates prosecution of violations under all parts of the Interstate Commerce Act and related Acts, such as the Elkins Act, and the Clayton Antitrust Act through civil or criminal court proceedings or proceedings before the Commission. When specifically authorized by the Commission or a division thereof in any particular case or class of cases, participates in Commission proceedings for the purpose of developing the facts and issues.</p> <p>A division of prosecution was organized by the Commission after passage of the Hepburn Amendment in 1906. This division became the Division of Inquiry in 1911, and, in 1917, the Bureau of Inquiry. In 1954, the Bureau absorbed the enforcement activities in respect to motor carriers under Part II of the Act, and became the present Bureau of Inquiry and Compliance whose name was changed to the Bureau of Enforcement in 1965.</p>	RG-134;	13 items

Copy to Agency & NCW 10-26-76 CD

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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>Since its inception, the Bureau has followed reasonably uniform practices with respect to cases approved by the Commission for prosecution or other court proceedings. The Commission is not empowered to prosecute directly those who are charged with criminal misconduct under the Act. Proposed criminal cases are referred to the appropriate United States Attorney for prosecution. Some of the civil enforcement remedies provided by statute are brought in the Federal Courts directly by the Commission while others are referred to the Attorney General for appropriate handling. In any event, however, the Bureau prepares the necessary pleadings, briefs and arguments and actively participates in the trial of the cases whether criminal or civil. In proceedings before the Commission in which the Bureau participates, it does so the same as any other party in the case.</p> <p>The defense of Commission orders which are attacked in Court is handled by the Office of the General Counsel. The Bureau of Enforcement is the enforcement arm of the Commission.</p> <p>The records listed below are those created by the Bureau of Enforcement and its predecessors in performing its enforcement functions. Any records involved in pending investigations or litigation upon expiration of the proposed retention periods will be retained until completion of the investigation or settlement of the litigation.</p> <p>This schedule supersedes the old schedule for the Bureau of Inquiry and Compliance, NN-162-86, dated 9-11-62.</p> <p>Items 1-13 in schedule NN-162-86 were deleted because they are covered in the Commission General Schedule, NN-169-103, dated 4-18-69.</p> <p>Items 20-23 in schedule NN-162-86 were deleted because they are no longer maintained as separate files but have been combined with Enforcement case files herein.</p>		

7. ITEM NO	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO	10. ACTION TAKEN
1.	<p style="text-align: center;"><u>DIRECTOR'S OFFICE</u></p> <p><u>PRACTITIONER INVESTIGATIVE FILES -</u></p> <p>Practitioner files relating to alleged unethical conduct of practitioners before the Commission. Consists of investigative reports, correspondence, and record of action taken. See NN-162-86, Item 14.</p> <p style="padding-left: 40px;">Destroy 20 years after the case is closed, or 1 year after death of practitioner, whichever is sooner.</p> <p><u>SECTION OF MOTOR, WATER, AND FORWARDER ENFORCEMENT</u></p> <p>These records document the supervision and handling of the legal activities involved in the enforcement of Parts II, III, and IV of the Interstate Commerce Act, the Elkins Act, the Clayton Antitrust Act, and related acts involving motor, water, and freight forwarder transportation. The section participates in Commission proceedings and in negotiating monetary civil enforcement claims against motor carriers, shippers, and freight forwarders violating certain sections of Parts II and IV of the Act.</p>		
2.	<p><u>INVESTIGATIVE REPORT CASE FILES ("L&E" FILES) -</u></p> <p>Investigative report case files consisting of reports of investigations submitted by field representatives of the Commission showing: (1) the nature of alleged violations of regulations and pertinent data regarding the respondent, such as type of operation, annual gross revenue, number of vehicles operated, and compliance record; (2) the basis of the investigation; facts disclosed by the investigation, and recommendations; (3) correspondence with the Regional Director, Bureau of Operations, having a bearing on the investigation; and correspondence with Regional Attorneys and related papers. Arranged numerically within motor carrier district. 20.0 cu. ft. See NN-162-86, Item 17.</p> <p style="padding-left: 40px;">Destroy exhibits and reference documents 1 year after completion of investigation. Transfer prosecuted cases</p>		

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3.	<p>to Enforcement Court Case Files or Administrative Proceedings Case Files as appropriate. Destroy remainder of file 7 years after completion of investigation.</p> <p><u>ENFORCEMENT CORRESPONDENCE FILES ("EC" FILES) -</u></p> <p>Correspondence between the Director, Bureau of Enforcement and District Supervisors of the Bureau of Operations furnishing opinions and interpretations for investigations; guidelines on procedures to be followed in various cases; copies of reports of investigations; correspondence with carriers and the public concerning complaints; and enforcement actions. Arranged numerically. 30.0 cu. ft. See NN-162-86, item 18.</p> <p>a. Correspondence leading to or concerning an investigation.</p> <p>Merge with corresponding investigative report case file.</p> <p>b. Remaining file.</p> <p>Break file every five ^{three} years. Transfer to FRC, when 10 years old. Destroy when 20 years old.</p>		
4.	<p><u>MOTOR CARRIER ENFORCEMENT COURT CASE FILES ("E" FILES) -</u></p> <p>File concerning Bureau's participation in criminal and civil court actions brought against motor carriers, water carriers, and freight forwarders for violation of Parts II, III, and IV of the Act, the Elkins Act, the Clayton Antitrust Act, or related acts. Includes copies of memoranda to Division 1 by field attorneys setting forth alleged violations, descriptions of parties involved, facts bearing on the case, and recommendations; copies of minutes transmitted to field attorneys from Division 1 indicating action on recommendations and advising of assignment of U.S. Attorney to the case; memoranda from field attorneys advising that court information has been filed with U.S. District Attorney and other memoranda arrangements for court action; copies of pleadings filed in court such as criminal information, complaints, briefs, exhibits, correspondence regarding the case, notices of appeal, and notices showing outcome of case. Arranged numerically within one of twelve motor carrier districts. 50.0 cu. ft. See NN-162-86, Item 15.</p>	<p><i>C.S./ICC RCF/NARS/NEO 5-31-77</i></p>	

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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>a. Case exhibits and reference documents.</p> <p>Destroy 1 year after close of case (see NN-162-86, item 15).</p> <p>b. Motor carrier enforcement files for those court cases specifically identified in the annual reports of the Commission as having been decided by the United States Supreme Court.</p> <p>Permanent. Transfer to FRC 3 years after case is closed. Offer to NARS 15 years after case is closed.</p> <p>c. All other case files.</p> <p>Transfer to FRC 3 years after case is closed. Destroy 15 years after case is closed.</p>		
5.	<p><u>ADMINISTRATIVE PROCEEDINGS CASE FILES ("A" FILES) -</u></p> <p>Files relating to Bureau's participation in administrative proceedings before the Commission under Parts II, III, and IV of the Act which involve such matters as fitness of applicants for operating rights; investigations of possible violations; rule-making proceedings; and application proceedings involving the issue of public convenience and necessity. Files consist of copies of Commission orders opening or reopening proceedings; petitions and briefs; stipulations; petitions of intervenors; replies of protestants to petition; correspondence and memoranda regarding the assignment of protestants to petition; correspondence and memoranda regarding the assignment of cases for hearing; technical questions on procedures, and related matters in advance of hearings; mailing lists for orders; copies of the report of the Commission and orders showing outcome of proceedings; press release indicating the Commission's action on case, and related papers. Arranged by 4-digit number. 20.0 cu. ft. See NN-162-86, Item 16.</p> <p>Destroy exhibits and reference documents 1 year after close of case. Destroy remainder of file 10 years after close of case.</p>		

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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
	<u>SECTION OF RAIL ENFORCEMENT</u>		
	<p>These records document the Bureau's supervision and administration of the legal activities involved in enforcement of Part I of the Act, the Elkins Act, the Clayton Antitrust Act, and other acts as they relate to railroads and pipeline carriers; the prosecution of or assisting U.S. Attorneys in the prosecution of civil and criminal proceedings arising under aforesaid Acts; participation as counsel in Commission proceedings; and participation in negotiating monetary civil enforcement claims with carriers, shippers, and other persons violating sections of Part I of the Act and the Elkins Act.</p>		
6.	<p><u>RAIL INVESTIGATIVE REPORT CASE FILES ("IR" FILES) -</u></p> <p>Investigative report case files consisting of investigative reports, correspondence, exhibits necessary for initiating court actions or administrative proceedings against carriers for alleged violation of Commission regulations. Includes data on carrier, compliance record, basis and facts of investigation, recommendations, and notification of action. Arranged numerically within district. 24.0 cu. ft. See NN-162-86, Item 19-b.</p> <p>Destroy exhibits and reference documents 1 year after close of case. Transfer prosecuted cases to Enforcement Court Case Files or Administrative Proceedings Case Files as appropriate. Destroy remainder of file 7 years after completion of investigation.</p>		
7.	<p><u>RAIL ENFORCEMENT COURT CASE FILES ("ER" FILES) -</u></p> <p>Rail enforcement court case files, consisting of investigative reports and correspondence, exhibits and related papers, memorandums of facts and law, record of authorization of court action, all pleadings, correspondence, briefs, and other records and papers concerning institution and prosecution of court action. Includes copies of court orders and records and all correspondence, pleadings and records in connection with any appeal of the lower court action. Arranged numerically within district. 50.0 cu. ft. See NN-162-86, Item 19-a.</p>		

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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>a. Case exhibits and reference documents.</p> <p>Destroy 1 year after close of case (see NN-162-86, item 19).</p> <p>b. Rail enforcement files for those court case specifically identified in the annual reports of the Commission as having been decided by the United States Supreme Court.</p> <p>Permanent. Transfer to FRC 3 years after close of Case. Offer to NARS 15 years after case is closed.</p> <p>c. All other case files.</p> <p>Transfer to FRC 3 years after close of case. Destroy 15 years after case is closed.</p>		
8.	<p><u>RAIL ADMINISTRATIVE PROCEEDINGS CASE FILES -</u></p> <p>Files documenting Bureau's participation in administrative proceedings before the Commission under Part I of the Act which involve such matters as fitness of applicants for operating rights; investigations of possible violations; rulemaking proceedings; and application proceedings involving the issue of public convenience and necessity. Files consist of copies of Commission orders opening or reopening proceedings; petitions and briefs; stipulations; petitions of intervenors; replies of protestants to petition; correspondence and memoranda regarding the assignment of protestants to petition; correspondence and memoranda regarding the assignment of cases for hearing; technical questions on procedures, and related matters in advance of hearings; mailing lists for orders; copies of the report of the Commission and orders showing outcome of proceedings; press release indicating the Commission's action on case, and related papers. Arranged numerically, 4.0 cu. ft. See NN-162-86, Item 19-c.</p> <p>Destroy exhibits and reference documents 1 year after close of case. Destroy remainder of file 10 years after close of case.</p>		

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	<p style="text-align: center;"><u>SPECIAL PROJECTS STAFF</u></p> <p>The Special Projects Staff operates under the direction of the Chairman of the Commission, the Vice Chairman, or a Commissioner named by the Commission to direct a particular proceeding, in developing and submitting information for the record in proceedings of the Commission having major significant or policy implications, and ensuring representation of the public interest. Assists in proceedings in resolving oftentimes conflicting claims in the national and public interest including those relating to broad geographic or regional interests, state and local interests, industrial concerns, national trades or producers, agricultural interests, or national consumer and environmental concerns. Produces economic, statistical, and cost data and studies for representation of the public interest in designated proceedings concerning such matters as the national freight rate structure. The Special Projects Staff reports to the Director fo the Bureau of Enforcement for administration purposes.</p> <p>9. <u>SPECIAL PROJECTS INVESTIGATIVE FILE -</u></p> <p>Records documenting the collection of data, preparation of studies, and participation of staff in presenting statistics in designated proceedings for the record concerning resolution of issues having major significance in policy implication such as the national rail freight structure. Includes orders and notices, correspondence, transcript of Prehearing Conference, circular letters, Petitions and Motions, opening statement, rebuttals, surrebuttal statements, Coordinators Report and Order, Exceptions to Coordinators Report and Order, Replies to Exceptions, workpapers, and computer printouts. Final statistical reports resulting from special projects investigations are transferred to the related docket file.</p> <p style="text-align: center;">Destroy 10 years after close of investigation.</p>		