

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> <i>(See Instructions on reverse)</i>		LEAVE BLANK JOB NO. <b>NF-173-90-1</b>	
TO: <b>GENERAL SERVICES ADMINISTRATION                  NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408</b>		DATE RECEIVED <b>10-9-90</b>	
1. FROM (Agency or establishment)  2. MAJOR SUBDIVISION <b>Federal Communications Commission</b> <b>Office of General Counsel</b>		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disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.	
3. MINOR SUBDIVISION		ARCHIVIST OF THE UNITED STATES 	
4. NAME OF PERSON WITH WHOM TO CONFER  Eileen Chaney	5. TELEPHONE EXT.  632-7513	DATE 2/11/91	ARCHIVIST OF THE UNITED STATES 
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 5 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached.

A. GAO concurrence:  is attached; or  is unnecessary.

B. DATE 9/17/90	C. SIGNATURE OF AGENCY REPRESENTATIVE 	D. TITLE Records Officer
--------------------	---	-----------------------------

7. ITEM NO.	8. DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN <i>(NARS USE ONLY)</i>
	<p style="text-align: center;">RECORDS CONTROL SCHEDULE OFFICE OF GENERAL COUNSEL</p> <p><u>FUNCTIONS OF THE OFFICE:</u> The Office of General Counsel advises and represents the Commission in matters of litigation; makes recommendations to the Commission with respect to proposed legislation and submits agency views on legislation when appropriate; prepares and makes recommendations and interpretations concerning procedural rules of general applicability; reviews rules for consistency with other rules, uniformity, and legal sufficiency; conducts research in legal matters as directed by the Commission; participates in international conferences and in the implementation of international agreements; interprets the statutes, international agreements, and international regulations affecting the Commission; performs all legal functions with respect to experimental operations, operations of restricted radiation devices, and type approvals and type acceptances of radio equipment; cooperates with the Common Carrier Bureau and the Office of Science and Technology on all matters pertaining to space satellite communications; studies the licensing practices of patentees and assignees in communications services regulated by the Commission; interprets statutes and executive orders affecting the Commission's national defense responsibilities; performs all legal functions with respect to leases, contracts and tort claims; advises the Commission in the preparation</p>		

and revision of rules and the implementation and administration of the Freedom of Information, Privacy and Sunshine Acts.

**IMMEDIATE OFFICE OF THE GENERAL COUNSEL**

1. **Employment Applications.** Attorney applications, received directly in OGC or transmitted through the FCC Personnel Office, to implement the Attorney Recruitment Program. All applications are filed by date received or by FCC number. If an offer of employment is not made within six months after the interview, the files are transferred to an inactive file, unless the applicant informs the office (approximately every 90 days) of continued interest of employment.

Destroy inactive file when one (1) year old.

2. **Summer Employment Applications.** Applications from first and second year law students applying for summer employment. These applications are filed by FCC number.

Destroy when one (1) year old.

**ADMINISTRATIVE LAW DIVISION**

3. **Subject Files.** These files are broken down into subject categories and consist mainly of general correspondence, interpretations and other materials on various topics and sub-topics that relate to programs and functions and not to specific cases. Used solely for reference and research purposes. The files include topics such as: Freedom of Information Act, Sunshine Act, Privacy Act, Tort and Military Personnel and Civilian Employees' Claim Act, conflict of interest, communications interceptor files, contract files, etc.

Purge files annually and destroy all unneeded materials more than three (3) years old.

4. **Rulemaking Files.** These files are broken down by year and consist of notices or petitions proposing changes in the Commission's rules and policies. The files contain routine correspondence, letters and memoranda pertaining to the rulemaking case involved.

Destroy when five (5) years old.

5. **EEO Discrimination Complaint Files/Grievance, Disciplinary and Adverse Action Files.** Mainly consist of extra copies of documents such as exhibits, pleadings, minutes, statement of witnesses, reports of interviews and hearings, decisions, letters and memoranda used in individual cases, that are in

the official EEO files maintained by the Chief, Equal Employment Opportunity Staff, Office of Managing Director, and in the official record grievance file maintained by the Labor Management and Workforce Effectiveness Branch, Office of Managing Director. Some files may contain background materials which are not filed in the official case files. These files are arranged alphabetically by employee name.

Destroy three (3) years after final resolution of case.

6. **Project/Case Files.** These files consist of detailed materials relating to a specific event, action, person, or organization. The files may contain correspondence, background materials, documents used for reference and research purposes, memoranda, pleadings, statement of witnesses, transcripts of hearings, briefs, and documents submitted to the Commission for action on the matter or to the appropriate government entity charged with the responsibility of making a determination in the matter.

Destroy entire file three (3) years after closure of the matter or when no longer required for administrative purposes, whichever is sooner.

#### **LITIGATION DIVISION**

7. **Case Files.** Notice of appeals, motions, court rulings, briefs, appendices, and other records concerning appellate proceedings, including action before the Supreme Court, in which the Commission is a party or possesses a public interest, or other litigation as assigned. These are filed alphabetically by appellate petitioner's name and may occupy from a single file folder to a five drawer filing cabinet for an individual case.

After the cases have been decided or dismissed and reach the "inactive" mode, the precedent setting or important cases (as determined by the division chief or higher official) are reviewed to delete duplicative or unnecessary material and then forwarded to the Library for binding. The cases remain in the Library for reference/research purposes and may be destroyed when no longer needed for these purposes. The remainder of the cases are destroyed three (3) years after closure or when no longer needed, whichever is sooner.

8. **Appellate and Supreme Court Briefs.** Three (3) copies are kept for research and reference purposes.

Destroy when five (5) years old or when no longer needed, whichever is sooner.

9. **Circuit Court Proceedings.** These files (in 3" binder format) contain listings of closed case proceedings and are filed

alphabetically. The files are maintained solely for research and reference purposes.

Destroy when five (5) years old or when no longer needed, whichever is sooner.