

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER <i>N1-412-07-53</i>	
To: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		DATE RECEIVED <i>6/11/2007</i>	
1. FROM (Agency or establishment)  U.S. Environmental Protection Agency		NOTIFICATION TO AGENCY  In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked <u>Adisposition not approved</u> or <u>Awithdrawn</u> in column 10.	
2. MAJOR SUBDIVISION  OGC			
3. MINOR SUBDIVISION  Headquarters and Agency-wide			
4. NAME OF PERSON WITH WHOM TO CONFER  John B. Ellis	5. TELEPHONE  202-566-1643	DATE <i>6/20/07</i>	ARCHIVIST OF THE UNITED STATES <i>Allen W...</i>
6. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached 14 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, under the provisions of Title 8 of the GAO manual for Guidance of Federal Agencies,  <input checked="" type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>5/24/07</i>	SIGNATURE OF AGENCY REPRESENTATIVE John B. Ellis <i>John B. Ellis</i>	TITLE Agency Records Officer	
7. Item No.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)

1.	EPA 656 Board of Contract Appeals Cases	N1-412-01-13	
2.	EPA 657 GAO Contract Bid Protest Cases	N1-412-01-14	
3.	EPA 674 Legal Interpretation and Opinions	NC1-412-84-2/2	
4.	EPA 675 Litigation Involving EPA	NC1-412-84-2/3	
5.	EPA 676 Development of Enforcement and Environmental Standards by States	NC1-412-84-2/4	
6.	EPA 677 Information Law and Intellectual Property	NC1-412-84-2/6	
7.	EPA 678 General Law	NC1-412-84-2/7	

*LE 2/1/08 copies sent to agency, DWMB, DWM E, DWMW, DWCT, INR*

This schedule is in development. It may not be used to retire or destroy records. If you have any questions, please contact the Records Help Desk.

# EPA Records Schedule 656

**Status:** Development, 05/31/2007

**Title:** Board of Contract Appeals Cases

**Program:** General Counsel

**Applicability:** Headquarters

**Function:** 405 - Supply Chain Management

**NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral). Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- Pending

**Description:**

Consists of copies of the appeal file filed with the Department of Interior Board of Contract Appeals, written memoranda of legal arguments (if any filed), relevant documents relating to disputed contractual issues, contracting officer's final decision, briefs, motions, and pleadings.

**Disposition Instructions:**

**Item a:** Record copy

- ~~Disposable~~ Temp
- Close inactive records 2 years after final resolution or settlement of appeal or 2 years after payment, if any, of judgment or settlement amount, whichever is later.
- Destroy 10 years after file closure, or 10 years after final payment under contract, whichever is later.

**Guidance:**

Final resolution of appeal includes all applicable appeals and does not mean final Agency decision.

Case files maintained by the Office of General Counsel in Cincinnati and Research Triangle Park are also covered by this schedule.

Restrictions related to source selection information can be found in the Federal Acquisition Regulations,

FAR 3.104.

Records containing sensitive information must be shredded or otherwise definitively destroyed to protect confidentiality.

**Reasons for Disposition:**

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

Item b for electronic copies created with word processing and electronic mail applications deleted 08/23/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Office of General Counsel, Finance and Operations Law Office

- **Contact:**
- **Telephone:**

**Related Schedules:**

**Previous NARA Disposal Authority:**

N1-412-01-13

**Entry:** 02/23/1999

**EPA Approval:** Pending

**NARA Approval:** Pending

This schedule is in development. It may not be used to retire or destroy records. If you have any questions, please contact the Records Help Desk.

## EPA Records Schedule 657

**Status:** Development, 05/31/2007

**Title:** GAO Contract Bid Protest Cases

**Program:** General Counsel

**Applicability:** Headquarters

**Function:** 405 - Supply Chain Management

**NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral). Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- Pending

### Description:

Consists of copies of contract protests filed with the Government Accountability Office (GAO), written memoranda of legal arguments (if any filed), statement of EPA contracting officer, relevant documents relating to the protest, contract award or other contracting actions, the protest file, and the Agency report.

### Disposition Instructions:

**Item a:** Record copy

~~• Disposable~~ *Temp*

- Close inactive records 2 years after final resolution or settlement of protest litigation.
- Destroy 10 years after file closure, or 10 years after final payment under contract, whichever is later.

### Guidance:

Case files maintained by the Office of General Counsel in Cincinnati and Research Triangle Park are also covered by this schedule.

Restrictions related to source selection information can be found in the Federal Acquisition Regulation, FAR 3-104.

Records containing sensitive information must be shredded or otherwise definitively destroyed to protect confidentiality.

**Reasons for Disposition:**

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

Item b for electronic copies created with word processing and electronic mail applications deleted 08/23/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Office of General Counsel, Finance and Operations Law Office

- **Contact:**
- **Telephone:**

**Related Schedules:**

**Previous NARA Disposal Authority:**

N1-412-01-14

**Entry:** 02/23/1999

**EPA Approval:** Pending

**NARA Approval:** Pending

**This schedule is in draft. It may be used to retire records, but may not be used to destroy records. If you have any questions, please contact the Records Help Desk.**

# EPA Records Schedule 674

**Status:** Draft, 01/31/2008

**Title:** Legal Interpretation and Opinions

**Program:** General Counsel

**Applicability:** Agency-wide

**Function:** 317-260 - Mission Program Support

**NARA Disposal Authority:**

412-07-53

This schedule authorizes the disposition of the record copy in any media (media neutral), excluding any records already in electronic form. Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- N1-412-07-53/3

## **Description:**

Includes requests for and responses to requests for legal interpretations and opinions relative to the intent and application of environmental laws and regulations.

Also includes background material including letters, memos, laboratory reports, Federal Register clippings, and excerpts from court transcripts.

## **Disposition Instructions:**

### **Item a(1): Requests for and responses - Nonelectronic**

- **Permanent**
- Close inactive records upon the expiration, amendment, or revision of an act or regulation.
- Transfer to the National Archives in 15 year blocks, 15 years after file closure.

### **Item a(2): Requests for and responses - Electronic**

- **Permanent**
- Close inactive records upon the expiration, amendment, or revision of an act or regulation.
- Transfer to the National Archives 5 years after file closure, with any related documentation and external finding aids, as specified in 36 CFR 1228.270 or standards applicable at the time.

**Item a(3):** Requests for and responses - Electronic copy of records transferred to the National Archives

~~• Disposable~~ *Temp*

- Close file upon transfer to the National Archives.
- Delete after electronic record copy is successfully transferred to the National Archives.

**Item b:** Background material

~~• Disposable~~ *Temp*

- Close inactive records at end of year.
- Destroy 10 years after file closure.

**Guidance:**

The record copy is maintained by the Office of General Counsel who is responsible for implementing the disposition. Copies incorporated into other files are retained according to the disposition instructions for the records they support.

**Reasons for Disposition:**

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

The following changes were made in the 01/31/2008 version:

- Divided item a into three subitems, a(1)-(3).
- Revised the titles of disposition items a(1)-(3).
- Revised the disposition instruction for item a(3).

Item c for electronic copies created with word processing and electronic mail applications deleted 08/23/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Office of General Counsel

- **Contact:**
- **Telephone:**

**Related Schedules:**

**Previous NARA Disposal Authority:**

NC174-255/4, NC1-412-84-2/2

**Entry:** 10/26/1993

**EPA Approval:** 05/24/2007

**NARA Approval:** Pending



This schedule is in development. It may not be used to retire or destroy records. If you have any questions, please contact the Records Help Desk.

## EPA Records Schedule 675

**Status:** Development, 05/31/2007

**Title:** Litigation Involving EPA

**Program:** General Counsel

**Applicability:** Agency-wide

**Function:** 317-260 - Mission Program Support

**NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral). Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- Pending

### Description:

Includes records documenting the nature, course, and outcome of defensive litigation involving EPA and related to EPA's environmental laws (e.g., Clean Air Act, Clean Water Act). Also includes defensive litigation involving matters outside of EPA's specific environmental regulatory statutes (e.g., Freedom of Information Act, Endangered Species Act, contracts, personnel, federal tort claims, etc.) as well as cases where the government brings suit on a matter outside of EPA's regulatory area (e.g., someone owes the Government money). The types of documents may include: court pleadings and orders, opinions, depositions, interrogatories, transcripts, affidavits, exhibits, documents related to discovery and evidence, and any other documents relied on to make the case.

Excludes: EPA enforcement actions (other than defensive cases) scheduled as EPA 207 except for Superfund site-specific cases covered by EPA 025.

### Disposition Instructions:

**Item a:** Record copy

~~• Disposable~~ *Temp*

- Close inactive records upon completion of case.
- Destroy 10 years after file closure.

### Guidance:

The record copy is maintained by the Office of General Counsel who is responsible for implementing the disposition. Copies incorporated into other files are retained according to the disposition instructions for the records they support.

**Reasons for Disposition:**

The disposition for the record copy previously approved by the National Archives as NC1-412-84-2/3. The description has been rewritten to provide examples of the types of litigation and the types of documents that may be included. The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system.

The following items were deleted 08/23/2006:

Item b - Copies on optical disk and CD-ROM deleted as nonrecords.

Item c - Electronic copies created with word processing and electronic mail applications deleted pursuant to NARA Bulletin 2006-04.

**Custodians:**

Office of General Counsel

- **Contact:**
- **Telephone:**

**Related Schedules:**

EPA 025, EPA 207

**Previous NARA Disposal Authority:**

NC174-255/5 (TN28/C4/5a), NC1-412-84-2/3

**Entry:** 10/26/1993

**EPA Approval:** Pending

**NARA Approval:** Pending

This schedule is in development. It may not be used to retire or destroy records. If you have any questions, please contact the Records Help Desk.

## EPA Records Schedule 676

**Status:** Development, 03/31/2007

**Title:** Development of Enforcement and Environmental Standards by States

**Program:** General Counsel

**Applicability:** Agency-wide

**Function:** 317-260 - Mission Program Support

**NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral). Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- Pending

### Description:

Contains submission, progress, and status of documents pertaining to environmental standards being enacted into law by states and territories and submitted to EPA for review and approval. Records consist of letters requesting legal interpretations and opinions, copies of state acts or programs, regional office reviews and comments, and technical reviews.

### Disposition Instructions:

**Item a:** Record copy

~~• Disposable~~ *Temp*

- Close inactive records upon completion of program.
- Destroy 10 years after file closure.

### Guidance:

The record copy is maintained by the Office of General Counsel who is responsible for implementing the disposition. Copies incorporated into other files are retained according to the disposition instructions for the records they support.

Similar records maintained by the Office of Enforcement and Compliance Assurance are scheduled as EPA 686. Other records related to operation of state programs include: EPA 203 for state oversight; EPA 204 for state program authorizations and approvals; EPA 217 for state implementation plans

(SIPS); and EPA 237 for state air monitoring.

**Reasons for Disposition:**

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

Item b for electronic copies created with word processing and electronic mail applications deleted 08/23/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Office of General Counsel

- **Contact:**
- **Telephone:**

**Related Schedules:**

EPA 203, EPA 204, EPA 217, EPA 237, EPA 686

**Previous NARA Disposal Authority:**

NC174-255/6b (TN28-C4/6b), NC1-412-84-2/4

**Entry:** 10/26/1993

**EPA Approval:** Pending

**NARA Approval:** Pending

This schedule is in development. It may not be used to retire or destroy records. If you have any questions, please contact the Records Help Desk.

## EPA Records Schedule 677

**Status:** Development, 05/31/2007

**Title:** Information Law and Intellectual Property

**Program:** General Counsel

**Applicability:** Agency-wide

**Function:** 317-261 - Internal Operations Support

**NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral). Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- Pending

### Description:

Contains documents related to patents, copyright and data rights and interpretations under contracts, grants and cooperative agreements awarded by EPA. Also, involves right of EPA to use patented inventions and copyrighted material. Documents include copies of contracts, grants, and other awards, requests for proposals, disclosures of inventions, affidavits waivers, and internal and external correspondence between contractors, etc., and EPA regarding negotiations on invention, data and copyright matters, including waiver of rights decisions. Also, includes documents regarding licensing of EPA inventions.

Also contains disclosures of inventions made under grants, contracts, and by EPA employees consisting of patent applications, correspondence with U.S. Patent and Trademark Office (PTO) and with inventors and other documents related to prosecution of patent applications in the PTO. Also, lists and copies of issued EPA owned U.S. patents.

### Disposition Instructions:

**Item a:** Patents, copyright and data rights and interpretations

~~Disposible~~

*Temp*

- Close inactive records upon completion or termination of contract, grant, or cooperative agreement or last action taken regarding the matter involved if no contract, grant or like is involved.
- Destroy 15 years after file closure.

**Item b: Disclosures**

~~Disposible~~

Temp

- Close inactive records upon completion or termination of contract, grant, or cooperative agreement or last action taken regarding the matter involved if no contract, grant or like is involved.
- Destroy 15 years after file closure.

**Guidance:**

Contract management records are scheduled as EPA 020 for Superfund site-specific and EPA 202 for all others. Grants and other program support agreements are scheduled as EPA 001 for Superfund site-specific; EPA 232 for waste water construction and state revolving fund grants; and EPA 003 for all others.

**Reasons for Disposition:**

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

Item c for electronic copies created with word processing and electronic mail applications deleted 08/23/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Office of General Counsel

- **Contact:**
- **Telephone:**

**Related Schedules:**

EPA 001, EPA 003, EPA 020, EPA 202, EPA 232

**Previous NARA Disposal Authority:**

NC174-255/9 and 10, NC1-412-83-2/9 and 10, NC1-412-84-2/6

**Entry:** 10/26/1993

**EPA Approval:** Pending

**NARA Approval:** Pending

This schedule is in development. It may not be used to retire or destroy records. If you have any questions, please contact the Records Help Desk.

## EPA Records Schedule 678

**Status:** Development, 05/31/2007

**Title:** General Law

**Program:** General Counsel

**Applicability:** Agency-wide

**Function:** 317-261 - Internal Operations Support

**NARA Disposal Authority:**

This schedule authorizes the disposition of the record copy in any media (media neutral). Records designated for permanent retention must be transferred to the National Archives in accordance with NARA standards at the time of transfer.

- Pending

### Description:

Contains EPA general law files, including records related to ethics and standards of conduct, financial disclosures, contracts, appropriations, and real property, financial disclosure forms and legal opinions and files.

Contains EPA claims files consisting of records related to the considerations and settlement of claims by and against the U.S. Includes Federal tort claims, employees' claims, waivers of claims, claim collection actions and other related actions. Records consist of claims forms, supporting documentation and other evidence, and Claims Officers determinations.

Also contains EPA personnel law files, consisting of records related to discrimination, labor relations, adverse employee actions and labor standards appeals or complaints. Records consist of complaint files of actions filed before administrative agencies or in Federal courts.

### Disposition Instructions:

**Item a:** EPA general law files

- ~~Disposable~~ *Temp*
- Close inactive records at end of year.
- Destroy 10 years after file closure.

**Item b:** EPA claims files

~~Disposible~~ *Temp*

- Close inactive records upon final resolution of claims.
- Destroy 10 years after file closure.

**Item c: EPA personnel law files**

~~Disposible~~ *Temp*

- Close inactive records upon final decision by court or administrative agency.
- Destroy 7 years after file closure.

**Guidance:**

The record copy is maintained by the Office of General Counsel who is responsible for implementing the disposition. Copies incorporated into other files are retained according to the disposition instructions for the records they support.

**Reasons for Disposition:**

The disposition instructions have been rewritten as media neutral to allow for maintaining the record copy in EPA's electronic recordkeeping system. The retention has not changed.

Item d for electronic copies created with word processing and electronic mail applications deleted 08/23/2006 pursuant to NARA Bulletin 2006-04.

**Custodians:**

Office of General Counsel

- **Contact:**
- **Telephone:**

**Related Schedules:**

**Previous NARA Disposal Authority:**

NC1-412-84-2/7

**Entry:** 10/26/1993

**EPA Approval:** Pending

**NARA Approval:** Pending



# REQUEST FOR STAKEHOLDER UNIT ACTION

Job No. N1-412-07-53

Date sent: July 25, 2007

Date Received by SHU: 7-30-2007

Date due to sender: August 1, 2007

<b>Route To:</b>
1. NWMD
2.
<b>Return to:</b> WG3, Leslie Watson, A2, Room 5320


- A.  This job has also been sent to: NWCTC, NR, NWMWA, NWME
- B.  NWML general comments on this job:
- C.  NWML wishes assistance in appraising these records:

For stakeholder unit use. Check all boxes that apply.

1.  waives informal review for these records.
2.  wishes to participate directly in the appraisal of these items:  
Please contact \_\_\_\_\_ Phone No. \_\_\_\_\_
3.  wishes to comment on SF 115 immediately. Comments are attached.  
Please contact \_\_\_\_\_ Phone No. \_\_\_\_\_
4.  wishes to review the appraisal report.
5. Please complete: SHU does  does not  want a copy of completed job.

SHU Comments: [Use this space or attach separate sheet]

Date Sent: 8-3-07 SHU Signature: Madeleine Proctor

<b>NWML Contact:</b> Leslie Watson		<b>Room number:</b> A2, Room 5320 <b>Phone No.</b> (301) 837-3108
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Note: As this form documents formal actions taken, it should be filed as part of the job dossier.