

National Archives



Washington, DC 20408

Date March 15, 1988
Reply to
Attn of Mike Miller
Subject Extension of NC1-412-84-02 to "agency wide status"
To NIRC *3/15/88*

EPA requested permission to extend their schedule NC1-412-84-02 for General Council records to include regional as well as field records. The only item that this affects at this time is Item 3. After some research and discussions outlined below, I told EPA that they did not need to submit an SF 115 to make this change. They will provide us with a copy of the manual section that covers General Counsel records that will show the "agency wide" status.

This decision was made based on the following circumstances:

1. The records in Item 3 were always created in the field. Previously they were sent to central office for retirement. Now EPA wants to retire them to regional records centers.
2. The retirement at the regional level does not reflect any change in either the character or the use of the records.
3. Rosanne Butler of NNA told me on 3/11 that her main concerns were 1) why the records were now in the field, 2) were they the same records. These two concerns are answered above. She did not feel that NNA would have to review the change unless the records were different or being used differently.
4. The CFR states in 1228.20.g(2) that SF 115s that specify an organizational component as the creator or custodian of the records may be applied to the same records after internal reorganization, but only if the nature, content, and functional importance remain exactly the same. In this case they do, as I specifically checked on 3/15/88 in a conversation with Harold Webster. My view is that the only thing that has changed is the custodian and therefore the SF 115 is applicable agency wide.

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)
Environmental Protection Agency

2 MAJOR SUBDIVISION
Office of General Counsel

3 MINOR SUBDIVISION

4 NAME OF PERSON WITH WHOM TO CONFER
Thomas Tasker

5 TEL EXT
382-5911

LEAVE BLANK

JOB NO
NCI-412-84-2

DATE RECEIVED
5-9-84

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disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10

Mar 29, 85 *Edna M. War*
Date 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.

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

C. DATE <i>4/19/84</i>	D. SIGNATURE OF AGENCY REPRESENTATIVE <i>Thomas Tasker</i> Thomas Tasker	E. TITLE Agency Records Management Officer
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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
1 - 13	The Office of General Counsel Records Control Schedule is being revised to make it consistent with the Program's current operations. The revision of this Schedule is part of a major review and update of the EPA Records Control Schedules. Attached is a copy of the revised OGC Records Control Schedule.	Appendix C Schedule 4	

115-107 *Copies sent to agency, NNF & NUB 3/20/85 CSR*

19 items

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED. NO

4

TITLE OF SCHEDULE
GENERAL COUNSEL RECORDS

COVERAGE OF SCHEDULE
APPLICABLE HEADQUARTERS OFFICE

ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
1.	<u>PROGRAM MANAGEMENT FILE</u>	
	Contains documents relating to the management, operation, development, and guidance of the Office of General Counsel.	<u>RETENTION:</u> Retain 10 years.
		<u>DISPOSITION:</u> Break file at the end of 1 year. Keep in office 2 additional years, then send to Federal Record Center (FRC). Keep in FRC for 8 years.
2.	<u>LEGAL INTERPRETATION AND OPINIONS</u>	
	a. Requests for and responses to requests for legal interpretations and opinions relative to the intent and application of environmental laws and regulations.	<u>RETENTION:</u> Permanent. <i>1/2 cu. ft. on hand</i> <i>1/4 cu. ft. annually</i>
	b. Background material including letters, memos, laboratory reports, <u>Federal Register</u> clippings, and excerpts from court transcripts.	<u>DISPOSITION:</u> Break file upon the expiration, amendment, or revision of an act or regulation; Keep in office 15 years, then offer to the National Archives. <i>in 15 year blocks, CSR 2/14/85</i> <i>197</i>
		<u>RETENTION:</u> Retain 10 years.
		<u>DISPOSITION:</u> Break file at the end of 1 year. Keep in office 2 additional years, then send to the FRC. Keep in FRC for 8 years, then destroy.
3.	<u>DEFENSIVE LITIGATION INVOLVING EPA</u>	
	<u>Clean Air Act, Clean Water Act, Safe Drinking Water Act, Federal Insecticide, Fungicide, and Rodenticide Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation and Liability Act, Uranium Mill Tailings Radiation Control Act, and Marine Protection, Research and Sanctuaries Act:</u> Records consist of court pleadings and opinions.	<u>RETENTION:</u> Retain 10 years after completion or termination of case.
		<u>DISPOSITION:</u> Break file upon completion of case. Keep in office 1 additional year, then send to FRC. Keep in FRC for 9 years, then destroy.
4.	<u>DEVELOPMENT OF ENFORCEMENT OF ENVIRONMENTAL STANDARDS BY STATES</u>	
	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 interpretation and opinions, copies of State acts or programs, regional office reviews and comments, and technical reviews.	<u>RETENTION:</u> Retain 10 years after completion program.
		<u>DISPOSITION:</u> Break file upon completion of program. Keep in office 1 additional year, then send to FRC. Keep in FRC for 9 years, then destroy.

RECORDS MANAGEMENT MANUAL

U.S. ENVIRONMENTAL PROTECTION AGENCY—RECORDS CONTROL SCHEDULES

SCHED NO

4

TITLE OF SCHEDULE GENERAL COUNSEL RECORDS	COVERAGE OF SCHEDULE APPLICABLE HEADQUARTERS OFFICE
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ITEM NO	NAME AND DESCRIPTION OF RECORD/FILE	RETENTION PERIOD AND DISPOSITION
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5. REGULATIONS

Clean Air Act, Clean Water Act, Safe Drinking Water Act, Federal Insecticide, Fungicide, and Rodenticide Act, Toxic Substances Control Act, Resource Conservation and Recovery Act, Comprehensive Environmental Response, Compensation and Liability Act, Uranium Mill Tailings Radiation Control Act, and Marine Protection, Research and Sanctuaries Act: File contains documents and data relating to the entire Act, sections of the Act, interpretations and implementation of the Act. Such data are presented in the form of memos, reports, newspaper and magazine articles, and correspondence. Subjects consist of meetings and agenda for meetings, notices of changes in the sections of the Act, and notices of proposed rule changes relating to the Act.

RETENTION: Retain 25 years.
when regulation is completed. ^{CSR} 2/14/85
792
DISPOSITION: Break file ~~at the end of 5 years.~~ Keep in office 1 additional year, then send to FRC. Keep in the FRC for 24 years, then destroy.

6. INFORMATION LAW

a. Patent Copyright and Data Rights and Interpretations. Consists of documents pertaining to patent, copyright and data rights 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.

RETENTION: Retain 15 years after 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.

DISPOSITION: Break file upon the completion or termination of contract, grant or cooperative agreement. Keep in office 3 additional years, then send to FRC. Destroy when 15 years old.

b. Disclosure of Inventions Made Under Grants, Contracts and by EPA Employees. Consists of documents disclosing inventions made by contractors, grantees and recipients of other types of EPA awards, and EPA employees. File consists 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.

RETENTION: Retain 15 years after 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.

DISPOSITION: Break file upon the completion or termination of contract, grant or cooperative agreement. Keep in office 3 additional years, then send to FRC. Destroy when 15 years old.

c. Freedom of Information Appeals Files. Includes copies of incoming appeal (or in the case of a request for information claimed confidential the request and denial) of the denial of information requested and pursuant to the Freedom of Information Act, official legal determination and other related records.

RETENTION: See DISPOSITION.

DISPOSITION: Destroy 4 years after final determination by agency or 3 years after final adjudication by courts, whichever is later.

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7.	<p><u>GENERAL LAW</u></p> <p><i>contracts CSR 2/14/85 AAH</i></p> <p>a. <u>EPA General Law Files.</u> Consists of records related to ethics and standards of conduct, financial disclosures, appropriations, and real property. Records consist of financial disclosure forms and legal opinions and files.</p> <p>b. <u>EPA Claims Files.</u> Consists 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 Officer's determinations.</p> <p>c. <u>EPA Personnel Law Files:</u> Consists 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.</p>	<p><u>RETENTION:</u> Retain 10 years.</p> <p><u>DISPOSITION:</u> Break file at the end of 1 year. Keep in office 6 additional years, then send to FRC. Keep in FRC for 4 years, then destroy.</p> <p><u>RETENTION:</u> Retain 10 years.</p> <p><u>DISPOSITION:</u> Break file upon final resolution of claims. Keep in office 5 additional years, then send to FRC. Keep in FRC for 5 years, then destroy.</p> <p><u>RETENTION:</u> Retain 7 years.</p> <p><u>DISPOSITION:</u> Break file upon final decision by court or administrative agency. Keep in office 2 additional years, then send to FRC. Keep in FRC for 5 years, then destroy.</p>
8.	<p><u>BID PROTEST APPEALS</u></p> <p>Consists of copies of notice of appeal, written memoranda and arguments, legal briefs (if any filed), transcripts of any hearings held, correspondence, and decision by the Regional Administrator.</p>	<p><u>RETENTION:</u> Retain 10 years.</p> <p><u>DISPOSITION:</u> Break file at the end of 2 years, then send to FRC. Keep in FRC for 8 additional years, then destroy.</p>
9.	<p><u>GRANT APPEAL FILES</u></p> <p>Consists of copies of notice of appeal and any requests for reconsideration, appeal file documents and exhibits, correspondence, legal briefs, statements, memoranda, transcripts of any hearings held, and orders and decisions by the Board.</p>	<p><u>RETENTION:</u> Retain 10 years.</p> <p><u>DISPOSITION:</u> Break file at the end of 1 year, then send to FRC. Keep in FRC for 9 additional years, then destroy.</p>
10.	<p><u>JOB APPLICATIONS - ATTORNEYS</u></p> <p>Solicited and unsolicited applications for jobs as attorneys in EPA. Records consist of letters requesting jobs, resumes and photos, interview notes, and comments.</p>	<p><u>RETENTION:</u> Retain 6 months after review and evaluation.</p> <p><u>DISPOSITION:</u> Break file at the end of 6 months, then destroy.</p>

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11.	<p><u>Controlled and Major Correspondence of the General Counsel.</u> Includes copies of controlled and major correspondence signed by the General Counsel. The correspondence significantly documents the program activities and was processed under special handling control procedures because of the importance of the letters or time requirements of replies.</p>	<p><i>1 yr. ltr on hand</i> Retention: Permanent. <i>1/2 yr. ltr. annually</i> Disposition: Break file at end of year. Keep in office current year plus 1 additional year, then transfer to the FRC. Keep in FRC for <i>15</i> years, then offer to the National Archives <i>in 15 year blocks</i></p>
12.	<p><u>General Correspondence of the General Counsel.</u> Includes copies of non-controlled (routine) correspondence. Records consist of incoming letters and enclosures.</p>	<p>Retention: Retain 5 years. Disposition: Break file at end of year. Keep in office 1 year, then transfer to the FRC. Destroy when 5 years old.</p>
13.	<p><u>Speeches by General Counsel or Staff.</u> Speeches prepared for delivery at civic functions and professional conferences and meetings.</p>	<p>Retention: <i>1/4 yr. ltr on hand</i> a. <u>Record Copy.</u> Permanent. <i>regulate accumulation</i> b. <u>Information Copies.</u> Retain 1 year. Disposition: a. <u>Record Copy.</u> Break file after presentation. Keep in office 5 years, then transfer to the FRC. Keep in FRC for <i>15</i> years, then offer to the National Archives <i>in 15 year blocks, CSR 2/14/85</i> b. <u>Information Copies.</u> Destroy when 1 year old or sooner if no longer needed.</p>

RECORDS MANAGEMENT MANUAL

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242*

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242*