



DRAFT OF 12/1/00

**U.S. EPA RECORDS SCHEDULE**

**SERIES TITLE:** TSCA Section 5 New Chemical Files

**PROGRAM:** Toxic Substances

**EPA SERIES NO:** 261

**AGENCY FILE CODE:** TOXI 261

**NARA DISPOSAL AUTHORITY:** N1-412-01-2  
(Use this number to retire records to the FRC)

**APPLICABILITY:** Headquarters

**IDENTIFYING INFORMATION:**

**DESCRIPTION:** Records document the screening of risk and the regulation of new chemicals to be manufactured or imported.

**ARRANGEMENT:** Arranged numerically by parent number.

**TYPE OF RECORDS:**

Case files

**SPECIFIC RESTRICTIONS:**

Confidential Business Information  
Enforcement Sensitive Information

**MEDIUM:**

Paper, microfilm, electronic

**VITAL RECORD:**

**FUNCTIONS SUPPORTED:**

Regulatory development and public awareness

**SPECIFIC LEGAL REQUIREMENTS:**

Toxic Substances Control Act, as amended, Section 5  
40 CFR 720

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**DISPOSITION INFORMATION:**

**FINAL DISPOSITION:**

- a. Record copy (microformed or paper): Permanent
- b. Paper copy (microformed): Disposable
- c. Electronic versions created with electronic mail and word processing systems: Disposable

**TRANSFER TO FRC PERMITTED:**

Yes

No

No

**FILE BREAK INSTRUCTIONS:**

- a. If record copy is in microform, break file upon completion of microform quality assurance check. If record copy is not microformed, break file upon completion of scheduled review or other Agency decision.
- b. Break file when documents have been microformed and checked for quality assurance.
- c. See disposition instructions.

**DISPOSITION INSTRUCTIONS:**

- a. If record copy is in microform, keep in the office up to one year after file break, then retire one silver halide (master) and one diazo copy along with finding aids and indices to the FRC. Transfer to the National Archives 20 years after file break. Retain up to two diazo copies for office use.

If record copy is not microformed, keep in office up to 1 year after file break, then retire to FRC with finding aids and indexes. Transfer to the National Archives 20 years after file break.

Destroy non-record copies when no longer needed.

- b. If record copy is in microform, destroy paper copy after quality assurance check.
- c. Delete when record copy is generated.

**APPLICATION GUIDANCE:**

**REASONS FOR DISPOSITION:** The 1985 schedule for this series was approved as permanent. A modification occurred in 1990 shortening the disposition period to 15 years for the non-confidential information (NCI) file. As part of an extensive upgrading of records management practices, it has been determined that this disposition period does not provide the file integrity and access needed for both the public and Agency records. Frequently, there are no counterpart confidential business information (CBI) files to reference. Therefore, this schedule corrects this problem by providing permanent records retention for all premanufacturing files regardless of security classification.

**AGENCY-WIDE GUIDANCE:** All records, regardless of media, claimed as

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confidential business information (CBI) under Section 14 of the Toxic Substances Control Act (TSCA) must be handled in accordance with the 1993 edition of TSCA Confidential Business Information Security Manual.

At the close out, the files held by the NCIC and the CBIC eligible for transfer to the FRC should be accessioned at the same time. All reference copies can be destroyed when no longer needed to support program operations.

Microform copies are to be produced in accordance with standards in 36 CFR 1230.10 and 1230.20. If records are not filmed, use disposition a for paper records.

Unless otherwise noted, the official records are maintained by CBIC and NCIC.

**PROGRAM OFFICE GUIDANCE/DESCRIPTIVE INFORMATION:** This schedule covers a major collection of records which support program decisions regarding the screening and regulation of new chemicals. Due to the nature of the Section 5 process, the decision documents vary. Based on routine processing, file breaks could occur up to 60 days following each document's mandated review period or other Agency decision.

The review periods are as follows:

|           |                 |
|-----------|-----------------|
| PMN       | 90 days         |
| NOC       | Date of receipt |
| *Bonafide | 30 days         |
| *TMEA     | 45 days         |
| *LVE      | 30 days         |
| *Polymers | 21 days         |
| *SNUN     | 90 days         |
| *LOREX    | 30 days         |

\*Time frames are also applicable to the modification of documents where appropriate.

Agency Regulatory decisions include:

- Revocation of 5(e) order
- Focus Drop
- CRSS Drop
- Found on Inventory
- Invalid
- Disposition Drop
- Division Director's Drop
- 5(e) Consent Order
- 5(e) Adversarial Order
- Incomplete
- Excluded from Reporting
- 5(f) Order/Rule
- Exemption Grants
- Exemption Conditionally Granted
- Denial

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The NCIC maintains two types of Section 5 files: (1) Sanitized versions of submissions which include, but is not limited to, the PMN, TME, Y and L, I and LV Modification. The Federal Register Notice is also included in the file; (2) 5(e) documents which are negotiations between EPA and a company delineating certain restrictions associated with the production or importation of a chemical.

The CBIC maintains three types of files: (1) the official file, (2) the EPA user copy, and (3) the reference copy. The files are arranged by major types of submission which include, but are not limited to: Premanufacture Notice (PMN), Incomplete Premanufacture Notice (PMNI), Low Volume Exemptions (LV), Low Release and Low Exposure Exemption (LoREX), Test Market Exemption Application (TMEA), Bonafide (B), Polymer Exemption (Y), Significant New Use Notice (SNUN), Significant New Alternative Policy (SNAP), Notice of Commencement (NOC), and Significant New Use Rule (SNUR). All subsequent documentation (support documents) relating to an individual Section 5 submission, namely correspondence between EPA and the submitter (company) and all EPA generated communications/reports are filed with the primary submission. However, some support documents such as NOC's may be organized by type and filed by Document Control Number and fiscal year.

The Section 5 dockets maintained in NCIC are established upon publication of a proposed rule or notice of public comment in the Federal Register. This collection of dockets contains documentation on a variety of issues and decisions. Some of the major collections are for Significant New Use Rule (SNUR) and Amendment to the PMN Rule. These records should be dispositioned under EPA 149 - Regulations, Standards, and Guidelines, and EPA 150 - Rulemaking Dockets.

**CUSTODIAL INFORMATION:****CONTROLLING UNIT:****Name:** OPPTS/OPPT**Location:** Waterside Mall  
CBIC and NCIC**Inclusive Dates:** 1979 - present**Volume on Hand (Feet):** 1,213**Annual Accumulation:** 50 ft.  
(feet or inches)**CONTACT POINT:****Name:** Vanessa Williams**Mail Code:** 7407**Telephone:** 202-260-3554**Office:** IMD/RMB**Room:** 725 ET**CONTROL INFORMATION:****RELATED ITEMS:** EPA 149, EPA 150**PREVIOUSLY APPROVED BY****NARA SCHEDULE NOS:** N1-412-90-1

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| Approval<br>Date EPA | Approval<br>Date NARA | Entry<br>Date | Last<br>Modified |
|----------------------|-----------------------|---------------|------------------|
| 10/26/00             |                       | 12/20/93      | 12/1/00          |