



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

Sent Via Email. No Hard Copy to Follow.

December 19, 2019

Wamique Futuri
Department of Transportation
National Highway Traffic Safety Administration
West Bldg, W51-225
1200 New Jersey Ave., SE
Washington DC 20590-0001
wamique.futuri@dot.gov

Dear Mr. Futuri:

The National Archives and Records Administration (NARA) has received a donation offer for National Highway Traffic Safety Administration (NHTSA) auto safety records. These records pertain to the rulemaking, promulgation, and implementation of Federal Motor Vehicle Safety Standard (FMVSS 208) known as AIRBAGS. From the description in the attached letter, some of these records appear to be federal. These records are being offered to NARA by a former NHTSA engineer who participated in the rulemaking process and subsequently removed the records from NHTSA custody to his home. Such action is unlawful as outlined in 36 CFR 1230.3.

Per 36 CFR 1230.16, NARA is formally notifying NHTSA of this potential unlawful removal of federal records. NHTSA must regain physical control of any federal records and disposition them according to the applicable approved records schedule. NHTSA must also submit a report to NARA, within 30 days of receiving this notification, satisfying the requirements of 36 CFR 1230.14. This report should also identify whether the records are permanent or temporary, including the applicable approved records schedule item. If permanent and eligible for transfer to NARA, please include NHTSA's transfer plan.

NARA will also notify the individual offering the records donation of his responsibility to cooperate with NHTSA for the return of any federal records to agency custody.

Thank you for your immediate attention to this matter.

Sincerely,

LAURENCE BREWER
Chief Records Officer
for the U.S. Government



Office of the Chief
Records Officer for the
U.S. Government

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June 20, 2023

Lee Wells
Department of Transportation
National Highway Traffic Safety Administration
West Bldg, W51-210
1200 New Jersey Ave., SE
Washington DC 20590-0001

Dear Lee Wells,

The National Archives and Records Administration has received your email in response to our letter to National Highway Traffic Safety Administration (NHTSA) dated December 19, 2019. The December 19 letter was in response to a donation offer from a former employee to NARA of records pertaining to the rulemaking, promulgation, and implementation of Federal Motor Vehicle Safety Standard (FMVSS 208) known as AIRBAGS. In that letter NARA requested that NHTSA “regain physical control of any federal records and disposition them according to the applicable approved records schedule.”

NARA was notified that the records were collected and returned to NHTSA custody in early February 2020; however, due to the COVID-19 pandemic, review of all the records was not completed until June 7, 2023. We understand that all of the records were returned and reviewed by the Department of Transportation (DOT)/NHTSA and all of the materials are previously published information (published studies from NHTSA or others, newspaper articles, magazine articles, etc.). All materials are considered non-record and will be destroyed.

Based on the information you have given us, we consider this matter resolved. I appreciate your attention to this important matter. If you have any questions or wish to discuss further, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence N. Brewer". The signature is written in a cursive style with a large initial 'L' and 'B'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc: Kim Webb, Acting Department Records Officer, Department of Transportation