

# NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-220-04-008

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 3/25/2021

## **ACTIVE ITEMS**

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

All items are active except items 14 and 15.

## **SUPERSEDED AND OBSOLETE ITEMS**

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

DAA-GRS-2013-0007-0006 supersedes item 14.

DAA-GRS-2016-0016-0002 supersedes item 15.

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		LEAVE BLANK (NARA use only)	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER <u>71-220-04-8</u>	
1. FROM (Agency or establishment) <u>U.S. Chemical Safety and Hazard Investigation Board</u>		Date Received <u>6-10-2004</u>	
2. MAJOR SUB DIVISION <u>Office of General Counsel</u>		NOTIFICATION TO AGENCY	
3. MINOR SUBDIVISION		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request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
4. NAME OF PERSON WITH WHOM TO CONFER <u>Christopher Kirkpatrick</u>	5. TELEPHONE <u>202-261-7619</u>	DATE <u>7/13/05</u>	ARCHIVIST OF THE UNITED STATES <u>All Weinstein</u>
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 <u>5</u> page(s) are not needed now 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 <u>5/27/04</u>	SIGNATURE OF AGENCY REPRESENTATIVE <u>[Signature]</u>		TITLE <u>General Counsel</u>
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	See attached sheets		
<u>cc Agency NWD NWD NWD</u>			



## U.S. Chemical Safety and Hazard Investigation Board

### Office of General Counsel

#### **Office of General Counsel (OGC) Records Schedule (attachment to SF 115)**

##### **1. Legal Opinions.**

- a. OGC Formal Legal Opinions. Formal legal opinion memoranda from OGC attorneys to the Board or other offices within CSB. 1998 – Present. Arranged by fiscal year. Total volume: Less than 1 cubic foot. Annual accumulation: Less than 1 cubic foot.

**PERMANENT.** Cut off at end of fiscal year. Hold 20 years and transfer in 10 year blocks to NARA.

- b. Third Party Legal Opinions. Requests from OGC to third-parties (e.g., Department of Justice, Office of Legal Counsel or the General Accounting Office) for legal opinions, and legal opinions received by OGC from such third parties. 1998 – Present. Arranged by fiscal year. Total volume: Less than 1 cubic foot. Annual accumulation: Less than 1 cubic foot.

**PERMANENT.** Cut off at end of fiscal year. Hold 20 years and transfer in 10 year blocks to NARA.

2. **Investigation Legal Files.** All records, not covered by another OGC schedule, pertaining to or generated by OGC legal support activities for agency investigations. Examples include: right-of-entry documents, CSB-issued subpoenas and supporting documentation, records related to actual or anticipated litigation of investigative issues (e.g. action to enforce subpoenas), special-purpose agreements with other agencies or outside entities developed for a particular investigation, records of legal advice given on issues arising in particular investigations, records of the report vetting process (excluding CBI review records), records related to litigation requests for access to CSB records and/or testimony of CSB investigators, investigation-related correspondence and other communications. Arranged by investigation.

**TEMPORARY.** Cut off as of date investigation closed by final Board action. Destroy 15 years after cut-off. [NOTE: The agency will notify NARA of any cases that may have historical value so that they can be appraised on a case-by-case basis.]

3. **General Litigation Files.** Case files and records which are not covered by a General Records Schedule or another OGC schedule related to administrative proceedings and litigation. For example, all records related to the defense of the agency against EEO complaints. Arranged by case.

**TEMPORARY.** Cut off as of date the final proceeding in the case is concluded. Destroy 10 years after cut-off. [NOTE: The agency will notify NARA of any cases that may have historical value so that they can be appraised on a case-by-case basis.]

4. **Rulemaking Docket.** Case files relating to rules promulgated by the CSB which are codified in the Code of Federal Regulations, and other items published in the Federal Register which are of more enduring value than those covered by GRS 16.13. Arranged by rule.

**TEMPORARY.** Cut off as of date of publication of final rule or other item. Destroy 10 years after cut-off.

5. **Chronological Correspondence File.** Incoming and outgoing correspondence (excluding investigation-related correspondence), including letters and memoranda, to and from OGC staff, which is not covered by another OGC schedule or GRS. Arranged by fiscal year.

**TEMPORARY.** Cut off at end of fiscal year. Destroy 3 years after cut-off.

6. **Procurement Solicitation Reviews.** Case files assembled by OGC attorneys in the course of reviewing procurement solicitations originated by other CSB offices. The files include: procurement request, statement of work, cost estimate, vendor list (if applicable), sole source justification (if applicable), evaluation criteria (if applicable), executed supplemental agreement, executed confidentiality agreement, executed conflict of interest certification, and internal and external correspondence related to the case. Arranged by fiscal year, and within fiscal years, by procurement action.

- a. Completed solicitations. Solicitations which lead to a micro-purchase or award of contract or other acquisition vehicle.

**TEMPORARY.** Cut off as of date that performance ends. Destroy 7 years after cut-off.

- b. Cancelled solicitations. Solicitations which are cancelled prior to purchase or award.

**TEMPORARY.** Cut off as of date of cancellation. Destroy 7 years after cut-off.

7. **Confidential Business Information (CBI) Reviews.** Case files assembled by OGC attorneys in the course of coordinating pre-release CBI reviews of draft investigation reports and other investigative information products. The files include: correspondence with companies and company representatives, copies of the version of reports or information products sent to the companies for review, and internal correspondence related to the case. Arranged by investigation.

**TEMPORARY.** Cut off as of date of public release of information product being reviewed. Destroy 7 years after cut-off.

8. **Notation Items.** All records of the Board notation item voting process, including for each item: transmittal memorandum, vote sheet, voting matter, and Board action report. 1998 – Present. Arranged by fiscal year, and within fiscal years, by notation number. Total volume: 6 cubic feet. Annual accumulation: 1 cubic foot.

**PERMANENT.** Cut off at end of fiscal year. Hold 10 years and transfer in 5 year blocks to NARA.

9. **Board Orders.** Orders constituting the official record of formal actions of the Chemical Safety and Hazard Investigation Board pertaining to regulations, administration, program direction, and general policy. 1998 – Present. Arranged by order number. Total volume: Less than 1 cubic foot. Annual accumulation: Less than 1 cubic foot.

**PERMANENT.**

- a. Currently effective orders. Maintain in office as part of a complete set, until superseded or rescinded.
- b. Superseded or rescinded orders. Cut off as of effective date of Board action to supersede or rescind. Hold 10 years and transfer in 5 year blocks to NARA.

10. **Sunshine Act Meeting Records.** Records of meetings held by the Board in accordance with the Government in the Sunshine Act, 5 U.S.C. § 552b, and the CSB Sunshine Act regulation, 40 CFR § 1603. Includes: agendas, prepared statements by Board Members, presentations by agency staff or other attendees, copies of reports or other items to be voted on at the meeting, records of Board votes and other actions taken at the meeting, transcripts of the meeting, and related records. For meetings that are closed to the public, this series also includes: requests for closure of the meeting; records of Board votes to close the meeting; the General Counsel's certification of the closure; and a transcript, recording, or minutes of the meeting. 2001 – Present. Arranged by meeting. Total volume: 1 cubic foot. Annual accumulation: Less than 1 cubic foot.

- a. Transcripts and voting records. The transcript (for public meetings) or the transcript, recording, or minutes (for closed meetings) of each Sunshine Act meeting. Also, all records of Board votes taken at Sunshine Act meetings, including items such as: record of Board Member votes and the matter voted upon.

**PERMANENT.** Cut off upon final adjournment of the meeting. Hold 10 years and transfer in 5 year blocks to NARA.

- b. Other Sunshine Act meeting records. All records of Sunshine Act meetings, as described above, other than transcripts and voting records.

**TEMPORARY.** Cut off upon final adjournment of the meeting. Destroy 10 years after cut-off.

11. **Quorum Assembly Records.** Written summaries of Board quorum assemblies (a gathering of a quorum of Board Members for briefings by staff and/or informal, preliminary discussions, at which no deliberations occur and no final decisions are made) prepared in accordance with the CSB Sunshine Act regulation, 40 CFR § 1603.5. Arranged by fiscal year.

**TEMPORARY.** Cut off at end of fiscal year. Destroy 10 years after cut-off.

12. **Interagency Agreements.** Non-procurement agreements between the CSB and other government agencies for purposes such as establishing principles of interagency cooperation or detailing procedures for interagency information sharing; and supporting documentation. Arranged by agency with which agreement is made.

**TEMPORARY.** Cut off as of date of cancellation of agreement. Destroy 5 years after cut-off.

13. **Miscellaneous Inquiries.** Inquiries of a legal nature received from other agencies or outside entities and associated responses by the CSB (e.g., General Accounting Office (GAO) survey on presidential appointed-Senate confirmed positions, Department of Justice survey on agency subpoena authority). Inquiries may be one-time or recurring. Original responses are submitted to and maintained by the inquiring agency. Records related to formal inspections/investigations by the CSB Inspector General, GAO, or other agencies/Congress are not included in this series. Arranged by inquiry.

**TEMPORARY.** Cut-off as of date of submission of response or determination that no response is necessary. Destroy 5 years after cut-off.

- 14. Annual FOIA Report.** The annual agency level report on FOIA activity submitted to Congress through the Department of Justice. This report is specifically excluded from GRS 14.14. Arranged by fiscal year.

**TEMPORARY.** Cut off at end of fiscal year. Destroy 5 years after cut-off.

- 15. Electronic Mail and Word Processing System Copies.** Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of the records covered by the other items in this schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

- a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

**TEMPORARY.** Destroy/delete within 180 days after the recordkeeping copy has been produced.

- b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

**TEMPORARY.** Destroy/delete when dissemination, revision, or updating is completed.