

GENERAL RECORDS SCHEDULE 6.6: Rulemaking Records

Rulemaking is defined by the Administrative Procedure Act (APA) as the “agency process for formulating, amending, or repealing a rule” (5 U.S.C. 551(5)). This process results in the agency issuing a final regulation, which it publishes in the *Federal Register* and codifies in the Code of Federal Regulations. This schedule covers certain records created in that process. It also covers records documenting public notices that do not relate to rules and regulations but that agencies disseminate via publication in the *Federal Register*.

With one exception (see item 030), this schedule does not cover records created after a proposed rule first appears in the *Federal Register* (item 020 lists points at which first publication might appear). Records created after first appearance in the *Federal Register* are contained in a case file, often called a “docket.” Dockets may be of permanent value depending on the particular rule or an agency’s mission. Therefore, each agency must schedule its rulemaking dockets independently.

Item	Records Description	Disposition Instruction	Disposition Authority
010	<p>Records of proposed rule development.</p> <p>Records of internal development of agency rules in preparation for <i>Federal Register</i> publication as a proposed rule, including case files that result in final rules, case files that do not result in final rules, and case files of exemptions to rules. Includes:</p> <ul style="list-style-type: none"> • briefing papers and options papers presented to management • rule/regulation drafts presented to management • internal comments in response to drafts presented to management • stakeholder input • analyses • clearances • summary sheets • background and supporting materials • records documenting a notice of inquiry (NOI) advance notice of proposed rulemaking (ANPRM), or request for information (RFI) in the Federal Register inviting comments on a not-yet-proposed rule, and comments received in response • concept releases • petitions to issue, amend, or repeal a rule • petitions for exemption 	<p>Temporary. Destroy 6 years after publication of final rule or decision to abandon publication, but longer retention is authorized if required for business use.</p>	<p>DAA-GRS-2017-0012-0001</p>

Item	Records Description	Disposition Instruction	Disposition Authority
	<ul style="list-style-type: none"> • decision memoranda • reports and white papers • meeting minutes documenting evaluation of options and decisions made • workplans and timelines • correspondence <p>Note: GRS 5.2, item 020, covers “drafts produced...for...internal discussion, reference, or consultation.”</p> <p>Exclusion: Schedule and retain as part of a docket any records this item describes that the agency incorporates into that docket.</p>		
020	<p>Proposed and final rule documents published in the <i>Federal Register</i>. Agency copy of rule forwarded to the <i>Federal Register</i> for publication, copy of published notice, and correspondence with the Office of the Federal Register generated at these rulemaking process milestones:</p> <ul style="list-style-type: none"> • advance notice of proposed rulemaking (ANPRM) or notice of inquiry (NOI) inviting participation to help shape a rule still in development • notice of proposed rulemaking (NPRM) to add a new rule or to amend or repeal an existing rule • supplemental notice of proposed rulemaking (SNPRM) or further notice of proposed rulemaking (FNPRM), soliciting comment on a proposed rule significantly altered in response to comments received in response to the NPRM • notice responding to summarized comments • final rule, interim final rule, or direct final rule 	<p>Temporary. Destroy 1 year after publication, but longer retention is authorized if required for business use.</p>	<p>DAA-GRS-2017-0012-0002</p>
030	<p>Public comments. Public comments agency receives in response to a proposed rule, provided that agency retains a summary of those comments with the rulemaking docket in a docket management system.</p> <p>Exclusion: If the agency does not create a summary of comments, it must schedule individual comments as part of the final rule case file or docket.</p>	<p>Temporary. Destroy 1 year after publication of final rule or decision to abandon publication, but longer retention is authorized if required for business use.</p>	<p>DAA-GRS-2017-0012-0003</p>

Item	Records Description	Disposition Instruction	Disposition Authority
040	<p>Federal Register notices other than proposed and final rules. Records of notices announcing public stakeholder meetings, hearings, investigations, petition filing, application filing, license issuance, license revocation, grant application deadlines, environmental impact statement availability, delegations of authority, hours of public opening, use of an agency’s seal, guidance, System of Records Notices (SORNs), Paperwork Reduction Act Information Collection Requests (PRA ICRs), and other matters not codified in the Code of Federal Regulations.</p> <p>Note 1: SORNs <i>per se</i> are covered by GRS 4.2, item 150.</p> <p>Note 2: PRA Information Collection reports are covered by GRS 5.7, item 050.</p> <p>Note 3: Notices of meetings of committees established under the Federal Advisory Committee Act (FACA) are covered by GRS 6.2, item 050.</p>	<p>Temporary. Destroy when 1 year old, but longer retention is authorized if required for business use.</p>	<p>DAA-GRS-2017-0012-0004</p>
050	<p>Agency input into the unified agenda. Records that process agency input into the publication of:</p> <ul style="list-style-type: none"> • The Unified Agenda of Federal Regulatory and Deregulatory Actions (also known as the “unified agenda” or “semiannual regulatory agenda”) published by General Services Administration (GSA) with input from the Office of Management and Budget (OMB) • agency regulatory flexibility agendas • The Regulatory Plan <p>Exclusion: Compiled records received by GSA, OMB, and the Office of the Federal Register; those entities must schedule these records.</p>	<p>Temporary. Destroy when 2 years old, but longer retention is authorized if required for business use.</p>	<p>DAA-GRS-2017-0012-0005</p>