

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See instructions below)

TO NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408

1 FROM (Agency or establishment)
Department of Education

2 MAJOR SUBDIVISION
Office of Management

3 MINOR SUBDIVISION
Regulatory Information Management Services

4 NAME OF PERSON WITH WHOM TO CONFER
Lee Eiden

5. TELEPHONE
202-401-0544

LEAVE BLANK (NARA use only)

JOB NUMBER
N1-441-09-4

DATE RECEIVED
2-5-2009

NOTIFICATION TO AGENCY

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10

DATE
1/28/09

ARCHIVIST OF THE UNITED STATES
[Signature]

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 3 page(s) are not now needed 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,

is not required; is attached, or has been requested

DATE 1/28/2009	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	TITLE (Acting) Director, Records Management & Privacy Division/Departmental Records Officer
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7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
1	ED 253 Rulemaking Case Files	N1-441-93-04, Item 1.a (ED/RDS Part 8, Item 1.a) N1-441-93-04, Item 1.b (ED/RDS Part 8, Item 1.b)	

ED Records Schedule
ACS Tracking Number: OM: 6-106:D68

SCHEDULE LOCATOR NO.: 253

DRAFT DATE: 10/28/2008

TITLE: Rulemaking Case Files

PRINCIPAL OFFICE: Department-wide

NARA DISPOSITION AUTHORITY:

DESCRIPTION:

Case files containing the history of regulations, rulemaking, background and supporting materials, and records created in preparation for publication of the rule in the Federal Register. The official rulemaking case file includes decision memorandums signed by senior officials; official correspondence, including letters to and from the Office of Management and Budget and the Office of the Federal Register; Federal Register documents (e.g., advance notices of proposed rulemaking, proposed rules, and final rules), analysis; public comments, internal comments; background materials used in developing the regulation, and documents incorporated by reference. The official rulemaking case file may also contain records that document negotiated rulemaking activities, including records that document the proceedings of stakeholder meetings and public hearings. Case files for rules that require the approval of the Secretary or Deputy Secretary must also contain a copy of the signed Regulatory Action Memorandum.

DISPOSITION INSTRUCTIONS:

- a. Final Rule and Related Decision Memorandums Signed by Senior Officials, Including Regulatory Action Memorandums Signed by the Secretary or Deputy Secretary

PERMANENT

Cut off annually upon publication of final rule. Transfer to National Archives 5 years after cut off.

- b. Internal Background/Supporting Materials

1. Background/supporting materials that result in a final rule

TEMPORARY

Cut off annually upon publication of final rule. Destroy/delete 5 years after publication

2. Background/supporting materials that do not result in a final rule

TEMPORARY

ED Records Schedule
ACS Tracking Number: OM: 6-106:D68

Cut off annually. Destroy/delete 3 years after cut off.

c Notices of Proposed Rulemaking, Public Comments, and Negotiated Rulemaking Records

TEMPORARY

Cut off annually upon publication of final rule. Destroy/delete 5 years after publication

d. Documents Published in the Federal Register [GRS 16, Item 13.a]

1. Files documenting the processing of notices announcing committee meetings, including meetings open to the public under the Government in Sunshine Act (5 U S C § 552b(e)(3)); hearings and investigations; filing of petitions and applications, issuance or revocation of a license; grant application deadlines, the availability of certain environmental impact statements, delegations of authority; and other matters that are not codified in the Code of Federal Regulations

TEMPORARY

Destroy when 1 year old.

GRS 16
#13

2. Files documenting the processing of semi-annual regulatory agenda

TEMPORARY

Destroy when 2 years old

GRS 16
#13

e Master Data File for Department of Education Federal Docket Management System (EDFDMS)

This system is an electronic government-wide docket management system that provides Federal agencies the ability to post a broad set of documents routinely included in rulemaking dockets on the Internet. FDMS includes features for agency staff to manage rulemaking dockets, these features include full text search capabilities, e-mail notification, bulk data import and export, as well as reporting and tracking functions. All of the Department's NPRMs, interim final regulations, and final regulations are managed through FDMS.

TEMPORARY

Cut off annually upon publication of final rule. Destroy/delete 5 years after publication

ED Records Schedule
ACS Tracking Number: OM: 6-106:D68

~~f. Duplicate Copies Maintained for Reference Purposes and That Do Not Serve as the Record Copy~~

TEMPORARY

Destroy/delete when no longer needed for reference

non record

IMPLEMENTATION GUIDANCE:

The recordkeeping copies of all rulemaking records are maintained in the office issuing the rule. Records created by a committee established with a U.S. Department of Education mission-related or rulemaking objective, or by Public Law or Executive Order are covered by ED 115 – Operational, Interagency, International, or Internal Committees, Task Forces or Working Groups.

Follow the disposition instructions in ED 086 for system software; input/source records, output and reports; and system documentation

ARRANGEMENT/ANNUAL ACCUMULATION:

PREVIOUS NARA DISPOSITION AUTHORITY:

ED 253(a) Final Rule and Related Decision Memorandums Signed by Senior Officials, Including Regulatory Action Memorandums Signed by the Secretary or Deputy Secretary supersedes

N1-441-93-04, Item 1.a (ED/RDS Part 8, Item 1 a)

ED 253(b) Internal Background/Supporting Materials supersedes:

N1-441-93-04, Item 1 b (ED/RDS Part 8, Item 1.b)

SPECIFIC LEGAL REQUIREMENTS:

5 U.S.C. § 553

SPECIFIC RESTRICTIONS:

Privacy Act 18-09-05 Department of Education Federal Docket Management System (EDFDMS)

LINE OF BUSINESS: Departmental/Administration