

REQUEST FOR RECORDS DISPOSITION AUTHORITY

N1-433-12-04

To: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NARA), WASHINGTON, DC 20408

DATE RECEIVED **7/30/12**

1 FROM (Agency or establishment)
U.S. Department of Labor

NOTIFICATION TO AGENCY

2 MAJOR SUBDIVISION
Mine Safety and Health Administration (MSHA)

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

3 MINOR SUBDIVISION
Administration and Management

4 NAME OF PERSON WITH WHOM TO CONFER
Darlene Green

5 TELEPHONE
202-693-9823

DATE ARCHIVIST OF THE UNITED STATES
WITHDRAWN

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 26 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
7/26/2012

SIGNATURE OF AGENCY REPRESENTATIVE
William Keisler *William Keisler*

TITLE
DOL Records Officer

| 7 Item No | 8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION | 9. GRS OR SUPERSEDED JOB CITATION | 10 ACTION TAKEN (NARA USE ONLY) |
|-----------|---|-----------------------------------|---------------------------------|
| | <p>Mine Safety and Health Administration (MSHA) Program Areas:</p> <ol style="list-style-type: none"> 1. Directorate of Administration and Management 2. Directorate of Educational Policy and Development 3. Directorate of Program Evaluation and Information Resources 4. Office of Assessments 5. Office of Employee Safety and Health 6. Office of Standards and Regulations 7. Public Education and Outreach Services <p>This Request supersedes NC1-433-81-1, Items 1, 2, 10, 19, 26, 35, 38, and 41; supersedes NC1-433-85-1, Item 6; and adds five new items.</p> | | |

REQUEST FOR RECORDS DISPOSITION
AUTHORITY - CONTINUATION

CONTENTS:

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2. Mine Safety and Health Administration (MSHA), Directives Files
3. Supervisor's Record of Employee
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6. Physical Trauma Accident and Injury Records
7. Chemical and Hazardous Agents Accident, Injury, and Illness Records
8. Chemical and Hazardous Agents Exposure Assessment Records
9. Quarterly Mine Employment and Coal Production Report (MSHA Form 7000-2)
10. Office of Assessments and Civil Penalty Compliance Case Files
11. Office of Standards and Regulations - Public Hearings
12. Freedom of Information Act and Privacy Act (FOIA)
13. Education and Training Product Master Files
14. Publications (Excluding Education and Training Products)
15. Public Education and Outreach Services
16. Legal Identity Report (MSHA Form 2000-7)
17. Accident and Injury Records
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1. GENERAL CORRESPONDENCE FILES (arranged according to an alpha-numeric filing system). Files contain correspondence (letters, memoranda, e-mail messages, telephone calls), reports, forms, and related documents created or received during the performance of agency functions, EXCLUSIVE OF RECORDS SCHEDULED UNDER A SEPARATE SF 115 AUTHORITY OR A GENERAL RECORDS SCHEDULE. Break files annually.

A. Headquarters Correspondence

- 1) Headquarters Correspondence concerning policymaking, executive direction, staff assistance, program management, and relationships with Congress, DOL and other government agencies, industry, and the public.

PERMANENT. Cut off records at the end of calendar year. Retire to FRC 3 years after cut off. Transfer to NARA when records are 10 years old.

- 2) Headquarters Correspondence concerning repetitive or routine transactions and matters and other purely facilitative functions.

Temporary. Destroy 3 years at end of calendar year.

B. Field Facility Correspondence. Temporary. Destroy 3 years at end of calendar year.

C. Convenience Copies. Temporary. Destroy when no long needed for administrative purposes.

Supersedes NC1-433-81-1, Item 1.

2. Mine Safety and Health Administration (MSHA) Directives Files.

MSHA directives consist of two manuals (the Program Policy Manual and the Administrative Policy and Procedures Manual), their updates, and related policy letters; procedural handbooks, updates, and related procedure instruction letters; and information bulletins. Directives are numbered and arranged by type and calendar year as follows: an alpha designation for the type of directive (P for program; A for administrative; I for procedure

instruction), followed by two digits for the year of issuance, a roman numeral indicating the volume of the administrative or program manual it relates to, and a number indicating its sequence in that calendar year (exception: an information bulletin does not contain a roman numeral as it does not relate to a manual) Program directives provide enforcement-related guidance to MSHA employees and the mining community; administrative directives provide administrative guidance to MSHA employees only.

The Records Management Branch in Administration and Management, Management Services Division maintains the record set (signed document and DL 1-441) and formal review copies of all directives. Working papers are retained by the originating office (see No. 13 of this Request).

This series includes directives dated July 1988 to present. Prior to July 1988, directives were scheduled under NC1-433-81-1, Item 1, General Correspondence.

Directives Record Set. Signed copy of the document and the Official File Copy (DL 1-441) with concurrences.

Program Directives

1. Program Policy Manual, updates, and Program Policy Letters (PPLs) provide policy relating to MSHA enforcement activities (i.e., inspection activities).

Cut off file at end of calendar year.

Volume currently on hand: 5 cu feet.

Annual Accumulation: 8 cu foot.

- a) Record copy(original signatures): **PERMANENT**. Retire to FRC 5 years after issuance or when Manual is superseded, whichever is earlier. Transfer to NARA in 5-year blocks at the end of 10 years. (e.g., transfer 2001-2010).
- b) Electronic copies created in Word.
 - i. Copies maintained electronically to facilitate access by staff and the public. Delete when superseded or canceled.

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2. Program Procedure Handbooks, handbook updates, and related Procedure Instruction Letters (PILs) provide procedures for MSHA enforcement personnel (i.e., mine inspectors).

Cut off file at end of calendar year.

Volume currently on hand: 8 cu feet.

Annual Accumulation: 1/2 cu foot.

- a) Recordkeeping copy: **PERMANENT**. Retire to FRC 5 years after issuance, or when canceled or superseded, whichever is earlier. Offer to NARA in 5-year blocks at end of 15 calendar years. (e.g., transfer 1999-2013).
- b) Electronic copies created in Word:
 - i. Copies maintained electronically to facilitate access by staff and the public: Delete when superseded or canceled.

3. Program Information Bulletins (PIBs) provide enforcement-related information or announcements of interest to MSHA employees and the mining industry.

Cut off file at end of calendar year.

- a) Record copy: **TEMPORARY**. Destroy at the end of 5 years.
- b) Electronic copies created in Word:
 - i. Copies maintained electronically to facilitate access by staff and the public: Delete when obsolete.

Administrative Directives

4. Administrative Policy and Procedures Manual (APPM) Volume I, Volume I updates and Volume I Administrative Policy Letters (APLs) provide policy and procedure relating to organization and delegations of authority.

Cut off file at end of calendar year.

Volume currently on hand: 2 cu feet.

Annual Accumulation: 1/6 cu foot.

- a) Record copy: **PERMANENT**. Retire to FRC 5 years after issuance or when Manual is superseded, whichever is earlier. Transfer to NARA in 5-year blocks at the end of 20 years (e.g., transfer 1988-1992 block in 2013)
- b) Electronic copies created in Word:
 - i. Copies maintained electronically to facilitate access by staff and the public:
Delete when superseded or canceled.

5. Administrative Policy and Procedures Manual (APPM) Volumes II through VI, updates, and Administrative Policy Letters (APLs) provide policy and procedure relating to the administrative management of MSHA.

Cut off file at end of calendar year.

Volume currently on hand: 4 cu feet.

Annual Accumulation: 1/6 cu foot.

- a) Record copy: **TEMPORARY**. Retire to FRC at the end of 5 years or when Manual is superseded, whichever is earlier. Destroy at the end of 20 years.
- b) Electronic copies created in Word:
 - i. Copies maintained electronically to facilitate access by staff and the public.
Delete when superseded or canceled.

6. Administrative Handbooks and handbook updates provide administrative procedure too lengthy to be included in the APPM.

- a) Record copy: **TEMPORARY**. Destroy one year after canceled or superseded.
- b) Electronic copies created on email and word processing systems:
 - 1. Copies maintained for revising and updating:
Delete when revision or updating or completed.

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- ii. Copies maintained electronically to facilitate access by staff and the public:

Delete when superseded or canceled.

Administrative Information Bulletins (AIBs) provide administrative information for MSHA employees.
Cut off file at end of calendar year.

- a) Record copy: TEMPORARY. Destroy 3 years after cut-off.
- b) Electronic copies created on email and word processing systems:
 - i. Copies maintained electronically to facilitate access by staff: Delete when obsolete.

Supersedes N1-433-00-1.

3. SUPERVISOR'S RECORD OF EMPLOYEE. Contains records on current MSHA employees and persons employed within the past year. Records consist of: (a) emergency address information; (b) record of personnel action; (c) record of employee/supervisor discussions; and (d) supervisory copies of officially recommended actions, such as: personnel actions, awards, disciplinary actions, and training requests.

DISPOSITION:

Temporary. Review annually and destroy when obsolete or destroy file retaining to an employee within 1 year after termination or Retirement of employee.

Supersedes NC1-433-81-1, Item 41. (GRS NC1-64-77-10, Item 18a)

4. CONTRACT/GRANT ADMINISTRATIVE FILES. The Federal Mine Safety and Health Act of 1977 (Mine Act) authorizes the Secretary of Labor to make grants to states in which mining takes place. Grant funds may be used to assist the states in developing and enforcing health and safety laws and regulations consistent with the provisions of section 503 of the Mine Act and to improve state workers' compensation and occupational disease laws and programs related to mining. Funds may also be used to promote effective Federal/State coordination and cooperation in mine safety and health, primarily through the development and support of safety and health training

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programs for miners and State mine inspection personnel.

Case files contain grant applications, award documents, grant administration documents, and paying office grant files -- including quarterly/annual technical and financial reports.

Cut off files at end of fiscal year.

Volume accumulated to date: 10 cubic feet.
Estimated annual accumulation: 3 cubic feet.

DISPOSITION:

- A. **Case Files:** If no unresolved issues exist or are anticipate. **Temporary.** Cutoff files after financial report is verified. Destroy 3 years after verification at the end of fiscal year.
- B. If unresolved issues exist or are anticipate. **Temporary.** Cut-off files after financial report is verified. Destroy 3 years at the end of the fiscal year after verification.

5. **INTERNAL REVIEW FILES.** Contain reports and background information relating to MSHA's action at a mine that has experienced an accident resulting in three or more fatalities or where the Assistant Secretary deems appropriate. Files may contain copies of Agency directives, the Accident Investigation report, inspection reports, training plans, ventilation and roof control plans, mine maps, mine emergency plans, accountability reviews, and assessment information. (Records are maintained by the Directorate of Program Evaluation and Information Resources.)

Volume accumulated to date: 81 cubic feet.
Estimated annual accumulation: 9 cubic feet.
DISPOSITION:

PERMANENT. Close file after review is complete. Retire to FRC at the end of 7 years. Transfer to NARA when 10 years old.

6. **PHYSICAL TRAUMA ACCIDENT AND INJURY RECORDS.** These Human Resources Records contain forms, reports, correspondence, and related material and investigatory records relating to on-the-job injuries associated with physical trauma, whether or not a claim was filed, EXCLUDING copies filed in the Employee Medical Folder

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and copies submitted to the Department of Labor. Cut off file on termination of compensation or when the deadline for filing a claim has passed.

Files are maintained by the appropriate district office or the Headquarters Management Office.

DISPOSITION:

Temporary. MSHA's HR Office will retain records for 5 years. After 5 years or when deadline has passed. Destroy thereafter.

Supersedes NC1-433-81-1, Item 38.

7. CHEMICAL AND HAZARDOUS AGENTS ACCIDENT, INJURY, AND ILLNESS RECORDS. Records contain forms, reports, correspondence, and related material and investigatory records relating to on-the-job injuries and illnesses associated with chemicals or hazardous agents, whether or not a claim was filed, EXCLUDING copies filed in the Employee Medical Folder and copies submitted to the Department of Labor.

Files are maintained by the appropriate district office or the Headquarters Management Office.

DISPOSITION:

Temporary. Cut off file on termination of compensation or when the deadline for filing a claim has passed. MSHA's HR Office will retain records for 3 years. Destroy at the end of 3 years.

Supersedes NC1-433-81-1, Item 38.

8. CHEMICAL AND HAZARDOUS AGENTS EXPOSURE ASSESSMENT RECORDS. Records contain forms, reports, correspondence, and related material and investigatory records relating to on-the-job exposure assessments associated with chemicals or hazardous agents, EXCLUDING copies filed in the Employee Medical Folder and copies submitted to the Department of Labor. Break files annually.

Files are maintained by the appropriate district office or the Headquarters Management Office.

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DISPOSITION:

Temporary. Cut off file on termination of compensation or when the deadline for filing a claim has passed. MSHA's HR Office will retain records for 3 years. Destroy at the end of 3 years old.

Supersedes NC1-433-81-1, Item 38.

9. Mine Operator Accident, Injury, Illness, Employment, and Production Report (Public Use Report Forms 7000-1 and 7000-2).

Form 7000-1 contains accident, injury, and occupational illness data that include the mine name and identification number; date, time, and place of occurrence; type and description of accident; and name and social security number of injured miner. For 1978 and subsequent years, only the last four digits of the social security number are in the records. Information is obtained from MSHA Form 7000-1, Mine Accident, Injury and Illness Report, which is submitted by mine operators.

Form 7000-2 contains quarterly mine employment and coal production data. Mine operators are required to submit the form quarterly to the Office of Injury and Employment Information (OIEI). Beginning October 1997, form may be submitted via Internet or by mail.

DISPOSITION for Headquarters:

- A. MSHA Form 7000-1 and 7000-2 (Paper Copy): Temporary. Close file at end of fiscal/calendar year. Retire files to FRC when two years old. Destroy when 6 years old.
- B. MSHA Form 7000-2 (Electronic copy received through internet). Temporary. Information that is received electronically is scanned and uploaded to the production system on a quarterly basis. Close file after upload. Retire closed case file to FRC when 2 years old. Destroy at the end of 6 years.
- C. Master Index File (MIF) CD: Permanent. Accident/Employment, Accident/Injury, and Narrative CD. Retire to NARA after annual close-out.

Disposition for District Offices:

- D. Metal/Non Metal District Offices. Temporary. Destroy when 5 years old.
- E. Coal District Offices. Temporary. Destroy when 3 years

old.

Supersedes NCI 433-85-1, Item No. 9

10. ASSESSMENT CASE FILES. Files arranged by a case number that is assigned by the office assessing penalties for violations of the Coal Mine Health and Safety Act of 1969 and the Mine Safety and Health Act of 1977. Contains notices, mine operator's protests, petitions for adjudication, correspondence, and related material.

The assessment case files also contain copies of notices of violations issued on mine operations, abatements, and termination notices. The original records (notices, abatements, and similar documents) are retained by the issuing office. This material is needed as background, and should be treated as part of the case file with respect to transfer and retention.

DISPOSITION:

Temporary. Retire to FRC when case is closed. Destroy 10 years after the case is closed.

Supersedes NC1-433-81-1, Item 12.

11. OFFICE OF STANDARDS AND REGULATIONS. Files on mandatory health and safety standards and regulations for mines; for each standard or group of standards. (Files are maintained by the Directorate of Standards, Regulations and Variances.)

A. Background Information. Includes concept paper and comments received prior to rulemaking.

PERMANENT. Retire to FRC 3 years after rule becomes final. Transfer to NARA when 10 years old.

B. Public Hearings. Includes requests, notices of hearings, transcripts, and written statements.

PERMANENT. Retire to FRC 3 years after file is cut off. Transfer to NARA 10 years after cut-off.

C. Notice of Proposed Rulemaking (NPRM). A notice of proposed rulemaking is a document in which the Agency proposes new or revised regulatory requirements on the mining community. The NPRM consists of a preamble which

includes background, history, findings, a section-by-section discussion of the proposed rule requirements, and a summary of the costs and benefits of the regulatory requirements. Agencies are required to allow the public a notice-and-comment period. Public hearings are held and after the record closes the Agency will use the comments, information and data received during the open comment period to draft a final rule.

Temporary. Retire to FRC 3 years after rule has been published. Transfer to NARA when 10 old.

- D. **Final Rule.** Includes corrections and interpretations.

PERMANENT. Retire to FRC 3 years after file is cut off. Transfer to NARA 10 years after cut-off.

- E. **Advance Notice of Proposed Rulemaking (ANPRM).** This document is a pre-proposal draft. It usually consists of a background and/or discussion, and a series of questions that the Agency seeks further information on. The ANPRM will extend a request for public comment and suggestions on how the agency should address a particular problem, either via a proposed rule or other non-regulatory alternatives.

The pre-proposal does not contain "regulatory text." It places no requirement on the mining community. Hearings may be held to get further input. Following the public comment period and or public hearings, the Agency will use the comments, information and data received to determine the next step, possibly a notice of proposed rulemaking, to address the issues.

Temporary. Retire to FRC when 3 years old. Destroy when 10 years old.

- F. **Advisory Committee.** The Federal Advisory Committee Act regulates the formation and operation of advisory committees by federal agencies. GSA has authority for guiding and coordinating the administration of the Act, and has issued regulations for agencies on management of advisory committees. Each advisory committee must have a clearly defined purpose, and its membership must be fairly balanced in terms of the points of view represented and the functions to be performed. Meetings of the advisory committees must be open to public

observation. Advisory committees can play an important role in federal agency rulemaking. These committees, normally comprised of experts in the regulatory field, representatives of affected interested groups, and federal and state agencies, typically advised agencies on the advisability or content of rulemaking. Before the committee's charter (duration) expires, the committee will present their final recommendations in a report. The Agency must act on these recommendations in 180 days after the report is issued, or publish a notice in the Federal Register as to why they choose not to act.

Temporary. Retire to FRC when 3 years old. Destroy when 10 years old.

- G. **Regulatory Analysis.** Regulatory analysis and review requirements derive from several different statutes and executive orders. In particular: Executive Order 12866 requires agencies to prepare an analysis to determine the potential costs and benefits of proposed and final rules; the Paperwork Reduction Act requires an agency to justify the burdens imposed by information collection requirements; and the Regulatory Flexibility Act requires the agency to describe in detail the expected impact of the rule on small entities. Additionally, other statutes and executive orders addressing the following issues may also be address in the proposed or final rule: unfunded mandates, governmental actions and interference with constitutionally Protected Property Rights, civil justice, protection of children from environmental health risks and safety risks, consultation and coordination with Indian tribal governments, federalism and energy.

Temporary. Retire to FRC when 3 years old. Destroy when 10 years old.

- H. **Environmental Impact Analysis.** The National Environmental Policy Act (NEPA) of 1969 requires each Federal agency to consider the environmental effects of final actions and to prepare an Environmental Impact Statement on major actions significantly affecting the quality of the environment. MSHA reviews the final rule in accordance with NEPA requirements (42 U.S.C. 4321 et. seq.), the regulations of the Council of Environmental Quality (40 CFR Part 1500), and the Department of Labor's NEPA procedures (29 CFR Part 11). As a result of this review, MSHA will determine if the final rule has a

significant environmental impact. Normally, MSHA's rules do not have a significant environmental impact and as such an Environmental Impact Statement is not required.

Temporary. Retire to FRC when 3 years old. Destroy when 10 years old.

- I. **Litigation.** Includes all material related to litigation of subject standard or regulation through final rule.

Temporary. Retire to FRC when 3 years old. Destroy when 10 years old.

Supersedes NCI-433-81-1, Item 10.

12. **Freedom of Information Act and Privacy Act (FOIA).** This schedule covers certain records pertaining to day-to-day affairs and in their relations with the public. These records consist of inquiries, and related correspondence; in the case of FOIA, Privacy Act, and mandatory declassification files, appeals and other records; administrative background files for formal information releases, and records relating to inappropriate release of privileged information.

1. **Information Requests Files.** Requests for information and copies of replies thereto, involving no administrative actions, no policy decisions, and no special compilations or research and requests for and transmittals of publications, photographs, and other information literature.

Temporary. Destroy when 3 months old. (GRS 14, Information Services Records, Item 1)

2. **FOIA Requests Files.** Files created in response to requests for information under the FOIA, consisting of the original request, a copy of the reply thereto, and all related supporting files which may include the official file copy of requested record or copy thereof.

- a. Correspondence and supporting documents (EXCLUDING the official file copy of the records requested if filed herein).

(1) Granting access to all the requested records.

Temporary. Destroy 2 years after date of reply.

(2) Responding to requests for nonexistent records; to requesters who provide inadequate descriptions; and to those who fail to pay agency reproduction fees.

(a) Request not appealed.

Temporary. Destroy 2 years after date of reply.

(b) Request appealed.

Temporary. Destroy as authorized under Item 12.

(3) Denying access to all or part of the records requested.

(a) Request not appealed.

Temporary. Destroy 6 years after date of reply.

(b) Request appealed.

Temporary. Destroy as authorized under Item 12.

b. Official file copy of requested records.

Dispose of in accordance with approved agency disposition instructions for the related records or with the related FOIA request, whichever is later.

(GRS 14, Information Services Records, Item 11)

3. FOIA Appeals Files.

Files created in responding to administrative appeals under the FOIA for release of information denied by the agency, consisting of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of records under appeal or copy thereof.

a. Correspondence and supporting documents. (EXCLUDING the file copy of the records under appeal if filed herein).

Temporary. Destroy 6 years after final determination by agency, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later.

b. Official file copy of records under appeal.

Temporary. Dispose of in accordance with approved agency disposition instructions for the related record or with the related FOIA request, whichever is later.

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(GRS 14, Information Services Records, Item 12)

4. FOIA Control Files.

Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature, and purpose of request and name and address of requester.

a. Registers or listing.

Temporary. Destroy 5 years after date of last entry.

b. Other files.

Temporary. Destroy 5 years after final action by the agency or after final adjudication by courts, whichever is later.

(GRS 14, Information Services Records, Item 13)

5. FOIA Reports Files. [See note after this item.]

Recurring reports and one-time information requirements relating to the agency implementation of the Freedom of Information Act, EXCLUDING annual reports to the Congress at the departmental or agency level.

Destroy when 2 years old. (GRS 14, Information Services Records, Item 14)

[NOTE: The GRS does not cover departmental or agency level annual reports to the Congress. These reports should be scheduled for transfer to the National Archives of the United States by submitting an SF 115 to NARA.]

6. FOIA Administrative Files.

Records relating to the general agency implementation of the FOIA, including notices, memoranda, routine correspondence, and related records.

Destroy when 2 years old. (GRS 14, Information Services Records, Item 15)

7. Privacy Act Amendment Case Files.

Files relating to an individual's request to amend a record pertaining to that individual as provided for under 5 U.S.C. 552a(d)(2); to the individual's request for a review of an agency's refusal of the individual's request to amend a record as provided for under 5 U.S.C. 552a(d)(3); and to any civil action brought by the individual against the refusing agency as provided under 5 U.S.C. 552a(g).

- a. Requests to amend agreed to by agency. Includes individual's requests to amend and/or review refusal to amend, copies of agency's replies thereto, and related materials.

Dispose of in accordance with the approved disposition instructions for the related

subject individual's record or 4 years after agency's agreement to amend, whichever is later.

- b. Requests to amend refused by agency. Includes individual's requests to amend and to review refusal to amend, copies of agency's replies thereto, statement of disagreement, agency justification for refusal to amend a record, and related materials.

Dispose of in accordance with the approved disposition instructions for the related subject individual's record, 4 years after final determination by agency, or 3 years after final adjudication by courts, whichever is later.

- c. Appealed requests to amend. Includes all files created in responding to appeals under the Privacy Act for refusal by any agency to amend a record.

Dispose of in accordance with the approved disposition instructions for related subject individual's record or 3 years after final adjudication by courts, whichever is later. (GRS 14, Information Services Records, Item 22)

8. Privacy Act Accounting of Disclosure Files.

Files maintained under the provisions of 5 U.S.C. 552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency, including forms for showing the subject individual's name, requester's name and address, purpose and date of disclosure, and proof of subject individual's consent when applicable.

Dispose of in accordance with the approved disposition instructions for the related subject individual's records or 5 years after the disclosure for which the accountability was made, whichever is later. (GRS 14, Information Services Records, Item 23)

9. Privacy Act Control Files.

Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request, and name and address of requester.

- a. Registers or listings.

Destroy 5 years after date of last entry. (NC1-64-77-1 item 28a)

- b. Other files.

Destroy 5 years after final action by the agency or final adjudication by courts, whichever is later. (GRS 14, Information Services Records, Item 24)

10. Privacy Act Reports Files. [See note after this item.]

Recurring reports and one-time information requirement relating to agency implementation, including biennial reports to the Office of Management and Budget (OMB), and the Report on New Systems at all levels.

Destroy when 2 years old. (GRS 14, Information Services Records, Item 25)

[NOTE: The GRS does not cover the biennial report to Congress from OMB. (N1-GRS-89-4 item 1 Note)]

11. Privacy Act General Administrative Files.

Records relating to the general agency implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records.

Destroy when 2 years old. (GRS 14, Information Services Records, Items 26)

13. EDUCATION AND TRAINING PRODUCT MASTER FILES. The National Mine Health and Safety Academy is responsible for the training of mine safety and health inspectors, mine technical support staff, and other government and industry personnel. The Academy uses the instructional aids described below to carry out its responsibilities.

A. Motion Pictures and Video Recordings (arranged by format and alphabetically there-under by title).

- 1) Motion picture films: a sound projection print of each film, plus the original negative or color original, separate optical sound track, intermediate master positive or duplicative negative, and optical sound track, if available. Video copies may be substituted if an original film is unavailable.

PERMANENT. MSHA must make copies for its own use and then transfer the original, or make very high quality copy for NARA. Transfer record copy to NARA within 1 year. Destroy when 10 years old.

- 2) Video recordings: the earliest generation available for each original video production, plus an additional copy.

PERMANENT. Transfer record copy to NARA within 1 year. Destroy when 10 years old.

B. Photographic Material (arranged by format and there-under by sequence within individual products). The original negative and a captioned print for each black and white photograph; and the original color transparency or color

negative, a captioned print, and an inter-negative (if one exists) for each color photograph.

PERMANENT. Transfer to NARA when 5 years old or when no longer needed for administrative use, whichever is sooner.

C. Slide-Tape Shows (arranged by product title).

- 1) Slides: the earliest generation available for all slides in each product, plus an additional copy.

PERMANENT. Transfer to NARA when 5 years old or when no longer needed for administrative use, whichever is sooner.

- 2) Audio recordings: the earliest generation available for each magnetic audio tape recording, plus an additional copy.

PERMANENT. Transfer to NARA when 5 years old or when no longer needed for administrative use, whichever is sooner.

D. Publications - Record Set (arranged by product category and alphabetically there under by title). One copy of each publication.

PERMANENT. Break file annually. Transfer to NARA in 10-year blocks when the most recent record is 10 years old (i.e., 2001-2010 to be transferred in 2011).

Supersedes NC1-433-85-1, Item 6.

14. PUBLICATIONS (EXCLUDING EDUCATION AND TRAINING PRODUCTS WHICH ARE SCHEDULED SEPARATELY). Most MSHA offices publish documents (such as brochures, information cards, manuscripts and booklets), although the format and content vary and their release may be periodic or intermittent. Manuscripts will generally include: informational reports, instruction guides, safety reviews, annual reports, safety manuals, health and safety reports. Immediately after publication, a copy is transferred to the Mine Health and Safety Academy Library and retained for 100 years.

Record set. PERMANENT. Break file annually. Retire to FRC at the end of 3 years. Transfer to NARA in 10-year blocks when the most recent record is 10 years old (i.e., 2001 - 2010 to be transferred in 2011).

Supersedes NCI-433-81-1, Item 26.

15. PUBLIC EDUCATION AND OUTREACH SERVICES (PEOS). The following records are maintained by PEOS. **NOTE:** Audio, visual and film are now scheduled under Item 13 of this schedule.

A. Public Affairs Product File (arranged by type of product and chronologically within each type). Includes: (1) press releases, (2) speeches given by the Assistant Secretary or other officials on subjects dealing with MSHA programs, (3) articles authored by MSHA officials that have been published in outside periodicals, and (4) posters, booklets, annual reports, special reports, fact sheets, press kits, public service announcements, stickers, and other OIPA materials, unless otherwise specified in this schedule. Break file annually.

- 1) **Record copy. PERMANENT.** Retire to FRC at the end of 3 years. Transfer to NARA in 10 year blocks when most recent records in block is 10 years old (i.e., 2001-2010 to be offered in 2011).
- 2) **Electronic Copies Created on E-Mail and Word Processing Systems. Temporary.** Delete when record copy has been produced.
- 3) **All other copies. Temporary.** Destroy when no longer needed for reference; OR in the case of materials with potential historic significance, offer to the National Mine Health and Safety Academy

for its historical collection.

- B. Released Material File. Selected material that is released in response to requests from the media and the public. Material is retained for a relatively short period, in case questions or concerns arise about what has been provided to a requester, and to facilitate response to similar requests that may shortly follow as often happens with media issues. Does not include material that is part of a formal FOIA response or a reply to regular correspondence; does not include publications or material available on MSHA's Web site. Break file monthly.

Temporary. Destroy 1 year after break.

- C. News Clip File. News articles on MSHA-related subjects that have been compiled by OIPA for use by the Assistant Secretary and other MSHA officials; may include print media, audio and video clips. Break file annually.

Total accumulation to date: 20 cubic feet.

Estimated annual accumulation: 8 cubic feet.

Temporary.

- 1) Paper copies of print news clips. Destroy 3 years after break. Destroy any items not transferred to MSHA.
- 2) Electronic copies of print news clips. Offer to National Mine Health and Safety Academy (NMHSA) for its historical collection 15 years after break. Destroy any items not transferred to MSHA.
- 3) Video and audio news clips. Offer to National Mine Health and Safety Academy for its historical collection 10 years after break.

- D. Public Affairs Issue File (arranged alphabetically by subject; files relating to major mine disasters are separate, but also arranged alphabetically). Files include background materials on a wide variety of mine safety and health subjects of continuing and recurring public concern and are maintained primarily for the convenience of OIPA staff. File is reviewed and purged on a scheduled basis; half of the file is reviewed each

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year, so that the entire file is reviewed every two years.

Temporary. During scheduled review, discard material not expected to be of further use; offer selected material of historical interest to the National Mine Health and Safety Academy for its historical collection. Destroy any items not transferred to MSHA.

Supersedes NC1-433-81-1, Item 2.

16. OFFICE OF ASSESSMENTS, LEGAL IDENTITY REPORT (MSHA FORM 2000-7). The Mine Act requires mine operators to submit this form for each mine and to submit changes as they occur. A copy is kept in the district office as long as the mine is in operation.

DISPOSITION:

Temporary. The official copy of the reports is maintained by Assessments' Wilkes-Barre Center for 3 years after the mine is placed in an "abandoned" status. Then the report for the abandoned mines is transferred to the National Mine Safety and Health Academy.

Supersedes portions of NC1-433-81-1, Item 19.

17. OFFICE OF EMPLOYEE SAFETY AND HEALTH ACCIDENT INVESTIGATION FILES. The following records are maintained by (OES&H).

Records containing accident investigative information pertaining to any accident or injury incurred by an employee of MSHA.

Temporary. Cut off files annually. Files will remain at the Arlington, Headquarters for 5 years. HDQRTS will Retire copies to the FRC after the 5 years. Destroy when 10 years old.

Supersedes: NC1-433-81-1, Item 38.

18. Electronic Mail and Word Processing Records:

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 this schedule.

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- a. Electronic copies of records covered by this schedule 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 disks or network drives, and copies on shared network drives that are used only to produce the record keeping copy.

TEMPORARY. Destroy/delete after the record keeping copy has been produced.

- b. Electronic copies used for dissemination, revision, or updating that are maintained in addition to the record keeping copy.

TEMPORARY. Destroy/delete when dissemination, revision, or updating is complete or when no longer needed.

(GRS 20, Items 13 and 14)