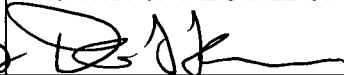
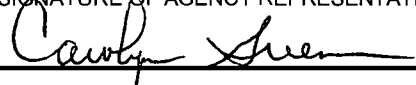


		71-416-05-4	
<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> To NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		DATE RECEIVED 8-11-2005	
1 FROM (Agency or establishment) Department of Transportation		<b>NOTIFICATION TO AGENCY</b>  In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked disposition not approved or withdrawn in column 10	
2 MAJOR SUBDIVISION National Highway Traffic Safety Administration			
3 MINOR SUBDIVISION Technical Information Services			
4 NAME OF PERSON WITH WHOM TO CONFER Carolyn Green	5 TELEPHONE (202)-366-4939	DATE 26 Oct 2005	ARCHIVIST OF THE UNITED STATES 
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>1</u> 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 07/26/05	SIGNATURE OF AGENCY REPRESENTATIVE 	TITLE Acting Records Officer	
7 Item No	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	See Attachment		
115-109	PREVIOUS EDITION NOT USABLE	<b>STANDARD FORM SF 115 (REV 3-91)</b> Prescribed by NARA 36 CFR 1228	

## **OFFICE OF THE CHIEF COUNSEL (NCC)**

The Office of the Chief Counsel (NCC) of the National Highway Transportation Safety Administration (NHTSA) of the Department of Transportation (DOT) provides legal advice to the agency, ensuring that its actions are consistent with U S laws and regulations. The Office also serves as coordinator on legislative affairs, reviews regulations for legal sufficiency, interprets the statutes that the agency administers and the regulations that it promulgates, and prepares litigation and enforcement actions.

NCC comprises three divisions: Vehicle Safety Standards and Harmonization, Litigation and Enforcement, and Legislation and General Law.

This schedule covers records maintained in electronic and hardcopy media.

### **1. RULEMAKING AND INTERPRETATION FILES**

In general, records relating to the creation and interpretation of all NHTSA regulations, under 49 CFR Parts 501 to 599. NCC reviews all agency issuances, proposals, and rulemakings. Rulemaking files consist of all supporting documents submitted to NCC or created by NCC during agency review of proposed or final rulemaking actions and other issues that arise and are reviewed by the agency. Docket numbers are assigned to rulemaking actions by the DOT, which also scans all non-electronic documents, saves them to optical disk, and provides public access through Regulation.gov System. Not available to the public through the Regulation.gov are items containing sensitive or proprietary material, such as confidential business information and internal deliberative or strategy documents. The same docket number may be used for the proposed rulemaking, study stages, and final rulemaking, but a new number may also be issued for the final rulemaking. Records include all public comments, summaries of meetings, evaluations of economic impact, correspondence, news articles, analyses, opinions, press releases, copies of Federal Register notices, and legislative histories relating to the rulemaking, such as copies of the bill, hearing records, amendments, and Congressional Record remarks (supersedes N1-416-86-1, Item 51a). Rulemaking records also contain material relating to the development of international standards and other international issues.

Interpretation records include signed copies of letters interpreting statutes, agency regulations and motor vehicle safety standards, which are sent to the Federal Register, as well as background information, correspondence, research materials, comments and concurrences, the initial request for interpretation, and meeting records related to the interpretation, including minutes and notes.

Files are arranged in chronological order by standard number or CFR part number, and date from 1988 to the present.

Volume 50 feet

Annual accumulation: approximately 10 feet

**Disposition: PERMANENT. Cut off files every 5 years at the end of the calendar year. Transfer to the WNRC after cutoff. Transfer to the National Archives 20 years after cutoff.**

## **2. CARD CATALOG**

The card catalog is used to track the status of and responsibility for rulemakings. This information is also available in an electronic database.

**Disposition: Temporary. Destroy/delete when case is closed.**

## **3. CONFIDENTIALITY FILES**

Confidentiality files consist of requests from manufacturers seeking confidential treatment for information submitted to NHTSA. Records include the original request and materials subject to the request for confidential treatment, agency final decision, and documents supporting the decisions. The files may also include reconsideration requests and the agency's final responses to reconsideration requests. The files also contain business-related information.

- (a) Requests for which confidentiality is granted (supersedes N1-416-86-1, Item 55)

**Disposition: Temporary. Cut off files when the period of confidentiality has expired. Transfer to the WNRC 5 years after cutoff. Destroy/delete 10 years after cutoff.**

- (b) Requests for which confidentiality is denied.

**Disposition: Temporary. Cut off files at the end of the calendar year. Destroy/delete 6 years after cutoff.**

- (c) Reconsideration of denials for which confidentiality is granted

**Disposition: Temporary. Cut off files when the period of confidentiality has expired. Transfer to the WNRC 5 years after cutoff. Destroy/delete 10 years after cutoff.**

- (d) Reconsideration of denials that are denied

**Disposition: Temporary. Cut off files at the end of the calendar year. Destroy/delete 6 years after cutoff.**

## **4. REVIEW FILES**

Records created during reviews of agency documents, cooperative agreements, and state legislation for compliance with NHTSA regulations and Federal Register notices. Files include memoranda, correspondence, copies of legislation, comments, and final ruling.

- (a) Reviews of state legislation for compliance with NHTSA regulations. Records document the decision making process, and the history and effect of the rulemaking on each state. Files date from 1999, and are arranged by subject, and then by US state or territory.

Volume 35 feet  
Annual accumulation: 3.5 feet

**Disposition: PERMANENT. Cut off files when the program is discontinued. Transfer to the National Archives 5 years after cutoff.**

- (b) Requests for reviews of agency documents

**Disposition: Temporary. Destroy/delete when 1 year old.**

- (c) Cooperative agreements

**Disposition: Temporary. Cut off when agreement expires. Destroy/delete 10 years after cutoff.**

- (d) All other records.

**Disposition: Temporary. Cut off files at the end of calendar year. Destroy/delete 5 years after cutoff.**

## ~~5. CHRONOLOGICAL CORRESPONDENCE FILES~~

~~These files consist of copies of all letters signed by the Chief Counsel or his or her designee, used as a finding aid to office files.~~

~~**Disposition: Temporary. Cut off files at the end of the calendar year. Destroy/delete 3 years after cutoff.**~~

## 6. LITIGATION CASE FILES

Litigation case files consist of chronologically arranged copies of pleadings, briefs, depositions, complaints, NHTSA responses, meeting notes and minutes, correspondence, and backup materials relating to court proceedings in which NHTSA has an interest. Case types may include personnel actions, challenges to agency rulemaking or final decisions, enforcement of provisions of Statutory provisions and agency regulations, including but not limited to fuel economy, safety-defect enforcement, safety standards enforcement and civil penalties. Files document litigation strategy and staff recommendations for the conduct of cases, and date back to 1972.

- (a) Personnel actions (Merit System Protection Board and Equal Employment Opportunity Commission matters)

**Disposition: Temporary. Cut off when case is closed. Destroy/delete 10 years after cutoff.**

- (b) Significant Case Files (supersedes N1-416-86-1, Item 37)  
Includes but not limited to cases challenging agency rulemaking, enforcement of Statutory provisions of the Safety Act, Chapters 321, 323, 325, 327, 329, 331 of Title 49 of the United States Code and agency regulations, including but not limited to fuel economy, safety-defect enforcement, safety standards enforcement and civil penalties

Volume 115 feet  
Annual accumulation 7-35 feet

**Disposition: PERMANENT. Cut off file when case is closed. Transfer to the WNRC 5 years after cutoff, or when no longer needed for reference, whichever is later. Transfer to the National Archives 10 years after cutoff.**

- (c) All other files

**Disposition: Temporary. Cutoff when case is closed or after last action. Destroy/delete 10 years after cutoff.**

## **7. FREEDOM OF INFORMATION ACT (FOIA) FILES**

FOIA files consist of requests in chronologically arranged requests, usually on technical matters, and include the agency's final response. The files are used to compile several reports including a report that is subsumed into the annual report DOT supplies to the Department of Justice. The files may also include an appeal of the agency response and the agency's final response to the appeal.

**Disposition: Temporary. Cut off files when response is sent. Transfer to the WNRC 3 years after cutoff. Destroy/delete 6 years after cutoff.**

## ~~8. FINANCIAL DISCLOSURE REPORTING FILES (ETHICS FILES)~~

~~Financial disclosure reports submitted by individuals as required or authorized under the Ethics in Government Act of 1978, as amended and related records. Includes OGE Form 278, OGE Form 278-T, OGE Form 450 and other documentation and reports related to the financial disclosure process, including recusals (GRS 25, Item 2).~~

- ~~(a) Documents required for ongoing investigations.~~

**~~Disposition: Temporary. Cut off when case is closed. Destroy/delete when no longer needed for an ongoing investigation, or 6 years after cutoff, whichever is later.~~**

~~(b) All other records~~

**~~Disposition: Temporary. Cut off files when case is closed. Destroy/delete 6 years after cutoff.~~**

## 9. LEGISLATIVE FILES

Files compiled by NCC on legislative topics of interest to the agency, especially matters concerning the agency's enabling statutes in regard to motor vehicle safety, fuel economy and highway safety. Files consist of legislative histories, copies of reports to Congress, official correspondence with Congressional staff, amendments to the agency's statutes, testimony, and hearings, and opinions and comments interpreting the agency's statutes. Files are arranged by date from the 1970s to the present.

**Disposition: Temporary. Destroy/delete when no longer needed for reference.**

## 10. ~~ELECTRONIC MAIL AND WORD PROCESSING RECORDS~~

~~These records consist of electronic copies electronic mail and word processing system records and used solely to generate a recordkeeping copy or working copy of the records covered by the above items. These files also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revising, and disseminating records covered by the above items.~~

- ~~a. Copies of records that have no further administrative value after the recordkeeping copy is made. This includes copies maintained by individuals in personnel 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 copies.~~

**~~Disposition: Temporary. Destroy/delete within 90 days after the recordkeeping copy has been produced.~~**

- ~~b. Copies used for disseminating, revising, or updating that are maintained in addition to recordkeeping copy.~~

**~~Disposition: Temporary. Destroy/delete when disseminating, revising, or updating is completed.~~**