

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

Request for Records Disposition Authority

Records Schedule Number DAA-0557-2015-0008
Schedule Status Returned Without Action

Agency or Establishment Federal Motor Carrier Safety Administration
Record Group / Scheduling Group Records of the Federal Motor Carrier Safety Administration
Records Schedule applies to Department-wide
Schedule Subject Records that pertain to The FMCSA Office of Chief Counsel
Internal agency concurrences will be provided No

Background Information

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
0	0	0	19

GAO Approval

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

Outline of Records Schedule Items for DAA-0557-2015-0008

Sequence Number	
1	General Files
1.1	Budget Background Files Disposition Authority Number: DAA-0557-2015-0008-0001
1.2	Reader Files Disposition Authority Number: DAA-0557-2015-0008-0002
1.3	General Counsel Monthly Reports/Litigation Reports Disposition Authority Number: DAA-0557-2015-0008-0003
1.4	Reference Files Disposition Authority Number: DAA-0557-2015-0008-0004
1.5	Word Processing System and Electronic Mail Copies Disposition Authority Number: DAA-0557-2015-0008-0005
1.6	Division Legal Opinions and Interpretations Disposition Authority Number: DAA-0557-2015-0008-0006
2	Enforcement and Litigation Division Files
2.1	Enforcement and Litigation Division Non-litigation Files Disposition Authority Number: DAA-0557-2015-0008-0007
2.2	Enforcement and Litigation Division Federal Court Litigation Files Disposition Authority Number: DAA-0557-2015-0008-0008
2.3	Non-Public Field Attorney Administrative Enforcement Files Disposition Authority Number: DAA-0557-2015-0008-0009
2.4	Subpoena Files Disposition Authority Number: DAA-0557-2015-0008-0010
2.5	Adjudication Files
2.5.1	Public Docket Adjudications Files Disposition Authority Number: DAA-0557-2015-0008-0011
2.5.2	Regulatory Affairs Division Files
2.5.2.1	Non-Public Motor Carrier Rulemaking Files Disposition Authority Number: DAA-0557-2015-0008-0012
2.5.2.2	Regulatory Affairs Division Non-Litigation Case Files Disposition Authority Number: DAA-0557-2015-0008-0013
2.5.2.3	Legislative Files Disposition Authority Number: DAA-0557-2015-0008-0014
2.5.2.4	General Law Division Files
2.5.2.4.1	Procurement, Grant, Cooperative Agreement, and Related Files

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

2.5.2.4.2	Disposition Authority Number: DAA-0557-2015-0008-0015 Delegation of Authority Files Disposition Authority Number: DAA-0557-2015-0008-0016
2.5.2.4.3	General law Division Litigation Case Files Disposition Authority Number: DAA-0557-2015-0008-0017
2.5.2.4.4	General Law Division Non-Litigation Case Files Disposition Authority Number: DAA-0557-2015-0008-0018
3	Homeland Security Files Disposition Authority Number: DAA-0557-2015-0008-0019

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

Records Schedule Items

Sequence Number	
1	General Files
1.1	Budget Background Files
	Disposition Authority Number DAA-0557-2015-0008-0001
	Working papers, cost statements, and data accumulated in the preparation of annual budget estimates, and originating offices' copies of reports submitted to budget offices.
	Final Disposition Temporary
	Item Status Withdrawn
	Is this item media neutral? Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No
	Disposition Instruction
	Cutoff Instruction Cutoff at the end of each fiscal year.
	Retention Period Destroy 2 year(s) after Cutoff
	Additional Information
	GAO Approval Not Required
1.2	Reader Files
	Disposition Authority Number DAA-0557-2015-0008-0002
	Contains extra, non-record copies of outgoing correspondence. These files contain no record copies of incoming correspondence.
	Final Disposition Temporary
	Item Status Withdrawn
	Is this item media neutral? Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No
	Disposition Instruction
	Cutoff Instruction Cutoff at the end of each fiscal year

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

1.3	Retention Period	Destroy 2 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
	General Counsel Monthly Reports/Litigation Reports	
	Disposition Authority Number	DAA-0557-2015-0008-0003
	Contains monthly reports from the Chief Counsel to the General Counsel, which include regulatory actions, litigation and enforcement issues, and any other significant issues within office.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff at the end of each fiscal year
	Retention Period	Destroy 3 year(s) after Cutoff
1.4	Additional Information	
	GAO Approval	Not Required
	Reference Files	
	Disposition Authority Number	DAA-0557-2015-0008-0004
	Contains copies of information used as ready reference on motor carrier programs and related subjects of current or ongoing interest. These files may contain copies of publications, directives, pictures, correspondence, and the like. Official file copies are not to be placed in these files nor are the files to be considered pending files where official file copies are kept on a temporary basis.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

1.5	Cutoff Instruction	Delete when no longer needed
	Retention Period	Destroy when no longer needed
	Additional Information	
	GAO Approval	Not Required
	Word Processing System and Electronic Mail Copies	
	Disposition Authority Number	DAA-0557-2015-0008-0005
	Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a record keeping 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 record keeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other directories on hard disk or network drives, and copies shared network drives that are used only to produce the record keeping copy. B. Copies used for dissemination, revision, or updating that are maintained in addition to the record keeping copy.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No	
Disposition Instruction		
Retention Period	A. Destroy/delete within 180 days after the record keeping copy has been produced. B. Destroy/delete when dissemination, revision, or updating is completed.	
Additional Information		
GAO Approval	Not Required	
1.6	Division Legal Opinions and Interpretations	
	Disposition Authority Number	DAA-0557-2015-0008-0006
	Includes requests for and responses to requests for legal interpretations and opinions relative to matters under the cognizance of any division within the Office of Chief Counsel. Also consists of legal sufficiency determinations for proposed	

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WITHDRAWN-RETURNED WITHOUT ACTION

agency policies and procedures, including internal correspondence, minutes of meetings, opinions, research, and background material.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cutoff after conclusion of the matter for which the files was created.

Retention Period Destroy year(s) after

Additional Information

GAO Approval Not Required

Enforcement and Litigation Division Files

Enforcement and Litigation Division Non-litigation Files

Disposition Authority Number DAA-0557-2015-0008-0007

Consists of administrative correspondence, letters, memoranda, research, and supporting documents related to the provision of legal advice, assistance and services concerning enforcement program issues of national importance or that addresses matters containing agency-wide enforcement program implications on subjects such as: (1) NAFTA; (2) preemption matters; (3) waivers, exemptions and pilot programs; (4) enforcement program process studies and analyses; (5) enforcement policies; (6) safety recommendations and studies; (7) enforcement program training; and (*) any other enforcement and litigation division matters not covered in another section of this schedule.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cutoff at the conclusion of each matter

Retention Period Destroy 6 year(s) after Cutoff

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

2.2

Additional Information

GAO Approval Not Required

Enforcement and Litigation Division Federal Court Litigation Files

Disposition Authority Number DAA-0557-2015-0008-0008

Contains records relating to pending active cases and memoranda pertaining to enforcement cases in Federal courts, including Federal District Courts, Federal Courts of Appeals, and Federal Bankruptcy Courts. Files contain correspondence, court filings, background material, opinions, research, and other relevant documents.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cutoff upon conclusion of the case.

Retention Period Destroy 6 year(s) after Cutoff

Additional Information

GAO Approval Not Required

2.3

Non-Public Field Attorney Administrative Enforcement Files

Disposition Authority Number DAA-0557-2015-0008-0009

Contains attorney records (notes, strategies, evidence, summaries, drafts, or other documents prepared by the attorney or at the attorney's direction in anticipation of litigation, as a confidential communication with client, in preparation for litigation, or otherwise prepared by the attorney or at the attorney's direction), concerning the prosecution of administrative cases involving violations of the Federal Motor Carrier Safety Regulations, Hazardous Materials Regulations, and Federal Motor Carrier Commercial Regulations. Also contains attorney records relating to safety rating appeals or any other administrative enforcement or licensing proceeding in which the field attorney represents the agency and documents related to administrative subpoenas Non-public field attorney administrative enforcement files are not entered into FMCSA's Electronic Docket Management System (EDMS)

Final Disposition Temporary

Item Status Withdrawn

WITHDRAWN-RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff after resolution matter.
	Retention Period	Delete copies of documents except driver qualification-related documents 6 years after cutoff Delete driver qualification-related documents 15 years after cutoff
	Additional Information	
	GAO Approval	Not Required
2.4	Subpoena Files	
	Disposition Authority Number	DAA-0557-2015-0008-0010
	Consists of responses and associated documents regarding subpoenas for documents and testimony submitted under 49 C.F.R. part 9 in cases in which neither the Department of Transportation or the United States is a party. The cases may be civil or criminal in nature.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff files after FMCSA issues its response to the subpoena.
	Retention Period	Destroy 3 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
2.5	Adjudication Files	
2.5.1	Public Docket Adjudications Files	
	Disposition Authority Number	DAA-0557-2015-0008-0011

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

Contains records pertaining to civil penalty enforcement proceedings, driver disqualification proceedings, licensing proceedings, safety rating appeals, and hazardous materials safety permit appeals. Includes copies of pleadings, motions replies, evidence submissions, correspondence, internal memoranda, notices, orders, and decisions issued by Administrative Administrator/Chief Safety Officer, notices and recommended decisions by Administrative Law judges, notices and reports issued by Hearing Officers, and arbitrator notices, decisions, and awards. [Http://www.regulations.gov](http://www.regulations.gov) is the system of record for these materials.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cutoff after resolution of matter

Retention Period Destroy 5 years after cutoff or until no longer needed, whichever is later.

Additional Information

GAO Approval Not Required

2.5.2

Regulatory Affairs Division Files

2.5.2.1

Non-Public Motor Carrier Rulemaking Files

Disposition Authority Number DAA-0557-2015-0008-0012

Contains attorney records (notes, strategies, evidence, summaries, memoranda, or other confidential documents) prepared by an attorney or at an attorney's direction in anticipation of litigation or as a confidential communication with a client in preparation for litigation, which are not entered into <http://www.regulations.gov>, which is the system of record for Motor Carrier Rulemaking Public Docket Files.

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

2.5.2.2	Cutoff Instruction	Cutoff after resolution of the matter.
	Retention Period	Destroy 6 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
	Regulatory Affairs Division Non-Litigation Case Files	
	Disposition Authority Number	DAA-0557-2015-0008-0013
	Consists of administrative correspondence, letters, memoranda, opinions, research, and supporting documents related to the provision of legal advice, assistance and services on subjects such as: (1) motor carrier safety and commercial regulations; (2) regulatory evaluation criteria and review standards under the Regulatory Flexibility Act, Paperwork Reduction Act, Small Business Regulatory Enforcement Fairness Act, National Environmental Policy Act, and other statues and Executive Orders applicable to regulatory development or assessment; (3) standards for judicial review of regulations; and (4) other regulatory affairs matters not covered in another section of this schedule.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No	
2.5.2.3	Disposition Instruction	
	Cutoff Instruction	Cutoff after conclusion of the matter for which the files were created.
	Retention Period	Destroy 6 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
	Legislative Files	
	Disposition Authority Number	DAA-0557-2015-0008-0014
	Contains information on legislative matters including copies of correspondence, comments, draft proposed legislation and testimony, minutes of meetings, testimony, reports, and questions and answers submitted by Congress pertaining to motor carrier safety legislation and reauthorization.	
	Final Disposition	Temporary
	Item Status	Withdrawn

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff after bill is either enacted or fails to be enacted prior to the end of Congress.
	Retention Period	Destroy 8 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
2.5.2.4	General Law Division Files	
2.5.2.4.1	Procurement, Grant, Cooperative Agreement, and Related Files	
	Disposition Authority Number	DAA-0557-2015-0008-0015
	Consists of correspondence, information, legal assistance, and opinions concerning the formation, administration, and termination of contracts, grants, cooperative agreements, and memoranda of understanding/ Memoranda of Agreement (MOU/MOA); and unauthorized commitments.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff after conclusion of each matter.
	Retention Period	Destroy 6 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
2.5.2.4.2	Delegation of Authority Files	
	Disposition Authority Number	DAA-0557-2015-0008-0016
	Consists of correspondence, information, legal assistance, and opinions pertaining to official approval of FMCSA and Office of Chief Counsel delegations of authority and administrative and program responsibilities	

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff inactive files at the end of fiscal year
	Retention Period	Destroy 5 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
2.5.2.4.3	General law Division Litigation Case Files	
	Disposition Authority Number	DAA-0557-2015-0008-0017
	Consists of records relating to administrative proceedings before the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Comptroller General, the Civilian Board of Contract Appeals, and other administrative authorities, as well as cases involving general law matters in Federal court. Files contain correspondence, court filings, background material, opinions, research, and other relevant documents	
	Final Disposition	Temporary
	Item Status	Withdrawn
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff upon conclusion of the case
	Retention Period	Destroy 6 year(s) after Cutoff
	Additional Information	
	GAO Approval	Not Required
2.5.2.4.4	Genral Law Division Non-Litigation Case Files	
	Disposition Authority Number	DAA-0557-2015-0008-0018

WITHDRAWN-RETURNED WITHOUT ACTION

Consists of administrative correspondence, letters, memoranda, opinions, research, and supporting documents related to the provision of legal advice, assistance and services on general law subjects not covered by a separate General Records schedule and not covered in another section of this schedule

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cutoff after conclusion of the matter for which the file was created.

Retention Period Destroy 6 year(s) after Cutoff

Additional Information

GAO Approval Not Required

Homeland Security Files

Disposition Authority Number DAA-0557-2015-0008-0019

Consists of administration correspondence, letters, memoranda, minutes of meetings, reports, on-site visits to motor carriers, official file copies, plans for Agency Continuity of Operations, related procurement materials and supporting documents related to the Homeland security functions of the Department of Transportation and FMCSA. Files may contain several categories of security information, documents and/or testimony that apply to other DOT modal administrations concerning facility security, sensitive security visits (SSVs), personnel security, outreach efforts, information systems security, hazardous materials on-site inspections, security during compliance reviews, investigations, risk assessments, vulnerability assessments, and documenting sensitive security information (SSI)

Final Disposition Temporary

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

3

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

Cutoff Instruction	Cutoff after conclusion of each matter
Retention Period	Destroy 5 year(s) after Cutoff
Additional Information	
GAO Approval	Not Required

WITHDRAWN- RETURNED WITHOUT ACTION

WITHDRAWN-RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0557-2015-0008

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 in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
08/04/2015	Certify	Herman Dogan	Records Management Officer	Federal Motor Carrier Safety Administration - Analysis Division
10/07/2016	Return Without Action	Robyn Dexter	Appraisal Archivist	National Archives and Records Administration - RDTP2: Archives II Processing Section