

# WITHDRAWN - RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  
Request for Records Disposition Authority

Records Schedule: DAA-0571-2015-0009

## Request for Records Disposition Authority

Records Schedule Number: DAA-0571-2015-0009  
Schedule Status: Returned Without Action  
Agency or Establishment: Pipeline and Hazardous Materials Safety Administration  
Record Group / Scheduling Group: Records of the Pipeline and Hazardous Materials Safety Administration  
Records Schedule applies to: Agency-wide  
Schedule Subject: Office of Chief Counsel (PHC)  
Internal agency concurrences will be provided: No

Background Information: The Office of Chief Counsel advises, assists, and represents PHMSA's pipeline and hazardous materials safety programs and provides legal guidance for the agency, oversees the preparation and use of legal instruments, assists and advises on a broad range of technical and diverse legal issues, represents the agency in cases involving civil rights allegations of discrimination and provides advice on personnel and employment matters. The attorneys serve the public by developing, implementing, and promoting legal, ethical and practical agency actions that have been coordinated with interested parties.

### 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Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items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	11

### GAO Approval

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## Outline of Records Schedule Items for DAA-0571-2015-0009

Sequence Number	
1	Memorandums of Understanding (MOUs)/Memorandums of Agreement (MOAs) Disposition Authority Number: DAA-0571-2015-0009-0001
2	Appeal of Denials of Requests for Reconsideration for Hazmat Special Permits and Approvals Disposition Authority Number: DAA-0571-2015-0009-0003
3	Hazmat Preemption Determination and Waiver Files Disposition Authority Number: DAA-0571-2015-0009-0004
4	PHMSA Hazmat Emergency Restrictions, Prohibitions, Recalls, and Out of Service Orders and Appeals of All Emergency Orders Disposition Authority Number: DAA-0571-2015-0009-0005
5	National Environmental Policy Act (NEPA) Review Legal Files Disposition Authority Number: DAA-0571-2015-0009-0006
6	Records Related to General and Routine Legislation Matters Disposition Authority Number: DAA-0571-2015-0009-0007
7	Significant Legislative Files. Disposition Authority Number: DAA-0571-2015-0009-0013
8	General Legal Opinions, Memos, and Presentations Issued or Made By the Office of Chief Counsel Disposition Authority Number: DAA-0571-2015-0009-0008
9	Significant Legal Opinions and Interpretations. Disposition Authority Number: DAA-0571-2015-0009-0012
10	Records Related to General and Routine Litigation Matters. Disposition Authority Number: DAA-0571-2015-0009-0011
11	Significant Litigation Files. Disposition Authority Number: DAA-0571-2015-0009-0010

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## Records Schedule Items

Sequence Number	
1	<p>Memorandums of Understanding (MOUs)/Memorandums of Agreement (MOAs)</p> <p>Disposition Authority Number: DAA-0571-2015-0009-0001</p> <p>Memorandums of Understanding, cooperative agreements, letters of agreement, all other documents with a similar purpose, and associated substantive materials, negotiated with other Federal agencies, state agencies, or private organizations concerning services rendered to or received from such bodies.</p> <p>Final Disposition: Temporary</p> <p>Item Status: Withdrawn</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? Yes</p> <p>Disposition Instruction</p> <p>Cutoff Instruction: Cutoff after expiration or cancellation date.</p> <p>Retention Period: Destroy 3 year(s) after expiration or cancellation</p> <p>Additional Information</p> <p>GAO Approval: Not Required</p>
2	<p>Appeal of Denials of Requests for Reconsideration for Hazmat Special Permits and Approvals</p> <p>Disposition Authority Number: DAA-0571-2015-0009-0003</p> <p>Decisions on Appeal.</p> <p>Final Disposition: Temporary</p> <p>Item Status: Withdrawn</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p>

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Do any of the records covered by this item exist as structured electronic data?	No
<b>Disposition Instruction</b>	
Cutoff Instruction	Cutoff after resolution of matter.
Retention Period	Destroy 7 year(s) after cutoff
<b>Additional Information</b>	
GAO Approval	Not Required
<b>Hazmat Preemption Determination and Waiver Files</b>	
Disposition Authority Number	DAA-0571-2015-0009-0004
Preemption Determination Applications, Preemption Determinations, Petitions for Reconsideration, Waivers of Preemption Determination, Petitions for Reconsideration of Waiver of Preemption Determination, and other correspondence.	
Final Disposition	Permanent
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?	Yes
Do any of the records covered by this item exist as structured electronic data?	No
<b>Disposition Instruction</b>	
Cutoff Instruction	Cutoff after resolution of matter.
Transfer to Inactive Storage	Hold for 3 years after cutoff.
Transfer to the National Archives for Accessioning	Transfer to the National Archives 3 year(s) after cutoff
<b>Additional Information</b>	
What will be the date span of the initial transfer of records to the National Archives?	From 2015 To 2015
How frequently will your agency transfer these records to the National Archives?	Every 1 Years

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4	<p>PHMSA Hazmat Emergency Restrictions, Prohibitions, Recalls, and Out of Service Orders and Appeals of All Emergency Orders</p> <p>Disposition Authority Number      DAA-0571-2015-0009-0005</p> <p>PHMSA issued Emergency Orders; Chief Safety Officer's (CSO) decisions on appeals of all Emergency Orders, and CSO's decisions on reconsideration of ALJ's decision.</p> <p>Final Disposition                      Temporary</p> <p>Item Status                              Withdrawn</p> <p>Is this item media neutral?          Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      Yes</p> <p>Do any of the records covered by this item exist as structured electronic data?                      No</p> <p>Disposition Instruction</p> <p>Cutoff Instruction                      Cutoff after resolution of matter.</p> <p>Retention Period                      Destroy 10 year(s) after cutoff</p> <p>Additional Information</p> <p>GAO Approval                          Not Required</p>
5	<p>National Environmental Policy Act (NEPA) Review Legal Files</p> <p>Disposition Authority Number      DAA-0571-2015-0009-0006</p> <p>Contains general correspondence, background material and reviews by PHMSA, Office of the Secretary, Office of Management and Budget and Council on Environmental Quality on the legal aspects of environmental documents (e.g. EA, FONSI, EIS, ROD, etc.).</p> <p>Final Disposition                      Temporary</p> <p>Item Status                              Withdrawn</p> <p>Is this item media neutral?          Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      No</p> <p>Disposition Instruction</p>

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Cutoff Instruction Cutoff at the conclusion of each matter.

Retention Period Destroy 6 year(s) after cutoff

## Additional Information

GAO Approval Not Required

## Records Related to General and Routine Legislation Matters

Disposition Authority Number DAA-0571-2015-0009-0007

Contains information on routine legislative matters including copies of correspondence, comments, draft proposed legislation and testimony, reports, and questions and answers submitted by Congress pertaining to pipeline and hazardous material legislation, and responses to congressional requests for technical assistance.

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 legislative session.

Retention Period Destroy 10 year(s) after cutoff or when no longer needed occurs, whichever is later

## Additional Information

GAO Approval Not Required

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## Significant Legislative Files.

Disposition Authority Number DAA-0571-2015-0009-0013

Legislative work product files containing significant precedential legal opinions, analyses, and conclusions. Note- \*Note, Legislative records deemed as significant will be a relative rarity, and PHMSA will first discuss with NARA before proposing PHC's legislative records as permanent.

Final Disposition Permanent

Item Status Withdrawn

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in No

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electronic format(s) other than e-mail and word processing?

## Disposition Instruction

Cutoff Instruction

Close file at the end of the legislative session.

Transfer to Inactive Storage

If in hardcopy format, transfer to FRC or other appropriate document storage facility three years after closure, or when no longer needed for reference, whichever is later.

Transfer to the National Archives for Accessioning

Transfer to the National Archives 30 year(s) after end of legislative session.

## Additional Information

What will be the date span of the initial transfer of records to the National Archives?

From 2001 To 2001

How frequently will your agency transfer these records to the National Archives?

Every 1 Years

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## General Legal Opinions, Memos, and Presentations Issued or Made By the Office of Chief Counsel

Disposition Authority Number

DAA-0571-2015-0009-0008

Includes general requests for and responses to requests for legal opinions, analyses, conclusions, advice, interpretations, authorities, and correspondence, including memos, presentations, and electronic mail, prepared and/or issued by the Office of Chief Counsel. These items may include such subjects as FOIA, ethics, personnel, and other such less important matters for which advice is sought from OGC.

Final Disposition

Temporary

Item Status<sup>1</sup>

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 the matter for which the file was created

Retention Period

Destroy 5 year(s) after cutoff

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## Additional Information

GAO Approval Not Required

## Significant Legal Opinions and Interpretations.

Disposition Authority Number DAA-0571-2015-0009-0012

Significant legal work product files containing significant precedential legal opinions, analyses, conclusions, advice or interpretations issued by PHC. Note: These files will be of relative rarity, and PHMSA will first discuss with NARA before deeming legal opinion and interpretation records Permanent.

Final Disposition Permanent

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 Close files when legal work product is completed. Cut-off closed case files at the end of fiscal year.

Transfer to Inactive Storage Transfer to FRC or other document storage facility three years after cutoff , or when no longer needed for reference, whichever is later.

Transfer to the National Archives for Accessioning Transfer to the National Archives 30 year(s) after cut-off.

## Additional Information

What will be the date span of the initial transfer of records to the National Archives? From 2001 To 2001

How frequently will your agency transfer these records to the National Archives? Every 1 Years

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## Records Related to General and Routine Litigation Matters.

Disposition Authority Number DAA-0571-2015-0009-0011

Case files containing copies of pleadings, briefs, depositions, transcripts, correspondence, and related materials regarding court actions. These cases, the vast majority of litigation case files, lack the legal significance or historical value found in "significant case files.



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	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
	<b>Disposition Instruction</b>	
	Cutoff Instruction	Close files when the underlying litigation is complete and all periods for other litigation and related appeals have expired. Cut-off at the end of fiscal year.
	Retention Period	Destroy 7 year(s) after cut-off.
	<b>Additional Information</b>	
	GAO Approval	Not Required
11	<b>Significant Litigation Files.</b>	
	Disposition Authority Number	DAA-0571-2015-0009-0010
	Significant litigation case files, containing correspondence, pleadings, depositions, transcripts, background material, and related materials pertaining to court actions, trials, administrative hearings, etc. These cases are selected by the Chief Counsel because they are of legal significance or historical value, that is, cases that significantly interpret PHMSA statutes and regulations, reflect significant developments in the history of PHMSA programs, or are of considerable Congressional or public interest. *Note, PHMSA will first discuss with NARA before deeming litigation records Permanent.	
	Final Disposition	Permanent
	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?	Yes
	Do any of the records covered by this item exist as structured electronic data?	No
	<b>Disposition Instruction</b>	
	Cutoff Instruction	Close files when underlying litigation is complete and all periods for other litigation and related appeals have expired.

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Transfer to Inactive Storage	Transfer to FRC three years after closure, or when no longer needed for reference, whichever is later.
Transfer to the National Archives for Accessioning	Transfer to the National Archives 30 year(s) after cutoff.
<b>Additional Information</b>	
What will be the date span of the initial transfer of records to the National Archives?	From 2001 To 2001
How frequently will your agency transfer these records to the National Archives?	Every 1 Years

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## 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
04/29/2015	Certify	Faustine Robinson	Records Officer	Pipeline and Hazardous Materials Safety Administration - Pipeline and Hazardous Materials Safety Administration
02/15/2018	Return for Revision	Jim Cassedy	Appraiser	National Archives and Records Administration - Records Management Services
05/03/2018	Return Without Action	Jim Cassedy	Appraiser	National Archives and Records Administration - Records Management Services