

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-470-09-004

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 12/9/2022

ACTIVE ITEMS

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

All items not listed below remain active.

SUPERSEDED AND OBSOLETE ITEMS

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

Item 1 was superseded by DAA-0470-2019-0003-0001.

Item 5 was superseded by DAA-0470-2019-0003-0002.

Item 12 was superseded by DAA-0470-2019-0003-0003.

REQUEST FOR RECORDS DISPOSITION AUTHORITY		LEAVE BLANK (NARA use only)	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER <i>N1-470-09-4</i>	
1 FROM (Agency or establishment) Federal Mine Safety and Health Review Commission		Date Received <i>August 6, 2009</i>	
2 MAJOR SUB DIVISION <i>Office of General Counsel</i>		NOTIFICATION TO AGENCY	
3 MINOR SUBDIVISION		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request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
4 NAME OF PERSON WITH WHOM TO CONFER <i>Sarah Stewart</i>	5 TELEPHONE <i>202-434-9957</i>	DATE <i>8/11</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>
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>7</u> page(s) are not needed now 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, <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
DATE <i>7/21/09</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Michael A. McCord</i>	TITLE <i>General Counsel</i>	
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
<i>1-23</i>	<i>See attached sheets</i>	<i>N1-470-96-1</i>	

OFFICE OF GENERAL COUNSEL

Item 1 Case Files Pending Before Review Commission

(1) Files of cases pending before the Review Commission, which contains copies of pleadings, orders, decisions, original edits of draft decisions, and orders by Commissioners

Disposition TEMPORARY Cut off file upon completion of review by Review Commission Destroy when information is published or when no longer needed for reference, whichever is later This series will not be retired to the Federal Records Center

Item 2 Decisional Memoranda

(2) Pre-decisional opinions of recommended disposition of cases pending before the Review Commission

Disposition PERMANENT Cut off file at the end of the calendar year in which a final decision disposing of the case has been issued by the Commission or U S Court of Appeals Transfer to the National Archives in 3 year blocks when most recent record in block is 7 years old Retain copy until no longer needed for reference

Annual accumulation 40 to 50 ff of 15 pages or less

Item 3 Memoranda to Pre-Decisional Opinions

(3) Memoranda setting forth pre-decisional opinions of recommended disposition of motions or other procedural requests

Disposition PERMANENT Cut off file at the end of the calendar year in which a final decision disposing of the case has been issued by the Commission or U S Court of Appeals Transfer to the National Archives in 3 year blocks when most recent record in block is 7 years old Retain copy until no longer needed for reference

Annual accumulation 20 ff of ca 2 pages each

Item 4 Original Edits, Tally Sheets, and Voting Records

(4) Original edits, tally sheets and voting records of Commissioners relating to orders, decisions, and or procedural matters Voting records include copies of Commissioners' votes on petitions for discretionary review

Disposition TEMPORARY Cut off at end of calendar year Destroy when no longer needed for reference or when superseded, whichever is sooner

Item 5 **Cases Pending Before U.S. Court of Appeals**

(5)

Files of cases pending before the U S Court of Appeals, which contains copies of pleadings, orders, decisions, and related correspondence

Disposition TEMPORARY Cut off file upon final decision by U S Court of Appeals or final step of appeal process Destroy when information is published or when no longer needed for reference, whichever is later This series will not be retired to the Federal Records Center

Item 6 **Chronological Files**

(6)

Chronological files, which contain copies of all correspondence or memoranda

Disposition TEMPORARY Cut off files at end of calendar year Destroy 2 years after cutoff, or when no longer needed for reference, whichever is sooner

Item 7 **Tracking Records**

Tracking records that document the status of cases

Disposition TEMPORARY Destroy/Delete when 2 years old or two years after the last entry, whichever is applicable (GRS 23, item 8)

Item 8 **Administrative Law Judges Suspense Files**

Administrative Law Judges (ALJ) suspense files, which contain copies of all ALJ decisions

Disposition TEMPORARY Destroy when no longer needed for reference (GRS 23, item 7)

Item 9 **Petitions for Discretionary Review (PDR)**

(7)

PDR suspense files, which contain copies of petitions for discretionary review

Disposition TEMPORARY Destroy when no longer needed for reference

Item 10 **Petitions for Interlocutory Review (PIR)**

(8)

PIR suspense files, which contain copies of petitions for interlocutory review

Disposition TEMPORARY Destroy when no longer needed for reference

Item 11 **Rulemaking Files**

(9) Rulemaking files, which contain proposed rules, comments received on proposed rules, intermediate drafts and edits, voting records, paper copies of emails, memoranda, tally sheets, and final rules

Disposition TEMPORARY Cut off files upon publication for final rule Destroy 3 years after publication or when no longer needed for reference, whichever is later

Item 12 **Subject Files**

(10) Subject matter files, which contain copies of proposed legislation relating to the agency, documents relating to internal administration of agency, staffing, training, compilations of legal research, copies of press releases and reports, tally sheets, and documents relating to status of Review Commission meetings under the Sunshine Act

Disposition TEMPORARY Cut off files at end of calendar year Destroy 2 years after cutoff or when no longer needed for reference, whichever is later

Item 13 **Speeches**

Speeches of the OGC

(11) Disposition PERMANENT Cut off files at end of calendar year Transfer to the National Archives in 3 year blocks when most recent record in block is 7 years old Retain copy until no longer needed for reference

Item 14 **Freedom of Information Act Files**

Files created in response to requests for information under the Freedom of Information Act, consisting of the original request, a copy of the reply, 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

Destroy 2 years after date of reply {GRS 14, item 11 a (1)}

(2) Responding to requests for non-existent records, to requestor who provided inadequate descriptions, and to those who fail to pay agency reproduction fees

a) Request not appealed

Destroy 2 years after date of reply {GRS 14, item 11 a (2)(a)}

b) Request appealed
Destroy as authorized under GRS 14, item 12

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

a) Request not appealed
Destroy 6 years after date of reply {GRS 14, item 11 a (3)(a)}

b) Request appealed
Destroy as authorized under GRS 14, 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, item 11 b}

Item 15 **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 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)

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 {GRS 14, item 12 a}

b Official file copy of records under appeal

Dispose of in accordance with approved agency disposition instructions for the related record or with the related FOIA request, whichever is later {GRS 14, item 12 b}

 Item 16 **FOIA Reading Room Materials**

Documents and materials available electronically or in paper copy for public inspection and copying without the need for a formal request under the Freedom of Information Act ("FOIA") Such documents and materials include General information about the Commission, decisions and orders of the Commission, FOIA Guide, the Commission's FOIA regulations, FOIA logs, the Commission's Improvement Plan under Executive Order 13392, the Commission's Government Information Locator Service, Commission

Rules and Regulations, the Federal Mine Safety and Health Act, as amended, press releases, informal Commission procedural guidance, Commission Notices of Meetings, books and other publications related to mining

Disposition TEMPORARY

- (12) a Any hard paper copies of the decisions and orders of the Commission

Cut-off at end of month Dispose of decisions and orders two months after cut-off or when no longer needed for reference, whichever is later

- (13) b All other hard paper documents in FOIA reading room
Replace when superseded or destroy when no longer needed for reference

Item 17 ~~**Supervisor's Personnel Files and Duplicate Official Personnel Folder Documentation**~~

- a Supervisor's Personnel Files

Correspondence, forms, and other records relating to positions, authorizations, pending actions, position descriptions, requests for personnel action, and records on individual employees duplicated in or not appropriate for the OPF

Disposition TEMPORARY Review annually and destroy superseded or obsolete documents, or destroy file relating to an employee within 1 year after separation or transfer (GRS 1, item 18a)

- b Duplicate Documentation

Other copies of documents duplicated in OPFs not provided for elsewhere in this schedule

Disposition TEMPORARY Destroy when 6 months old {GRS 1, item 18b}

Item 18 ~~**Financial Disclosure Reports**~~

- a Reports and related documents submitted by individuals as required under the Ethics in Government Act of 1978 (PL 95-521)

1) Records including SF 278A for individuals filing according to Section 201b of the Act, and not subsequently confirmed by the U S Senate

Destroy 1 year after nominee ceases to be under consideration for appointment, EXCEPT those documents needed in the ongoing investigation will be retained until no longer needed in the investigation

(GRS 25, Item 2a)

2) All other records including SF 278

Destroy when 6 years old, EXCEPT those documents needed in an ongoing investigation will be retained until no longer needed in the investigation
(GRS 25, Item 2b)

b All other statements of employment and financial interests and related records, including confidential statements filed under Executive Order 11222

Destroy when 6 years old EXCEPT those documents needed in an ongoing investigation will be retained until no longer needed in the investigation (GRS 25, Item 2b)

Item 19 **Ethics Opinions**

Ethics files containing copies of ethics opinions by DAEO or alternate DAEO

Dispositions TEMPORARY Destroy when 6 years old or when no longer needed for reference, whichever is later (GRS 25, Item 1)

Item 20 **Ethics Files**

Ethics files containing documents relating to recusals, waivers, certificates of divestiture, and ethics agreements

Disposition TEMPORARY Destroy when 6 years old or when no longer needed for reference, whichever is later (GRS 25, Item 3)

Item 21 **Ethics Training**

Ethics files containing documents relating to ethics training

Disposition TEMPORARY Destroy when 6 years old or when no longer needed for reference, whichever is later (GRS 25, Item 8)

Item 22 **Ethics Reports**

Ethics reports to the Office of Government Ethics

Disposition TEMPORARY Destroy when 6 years old or when no longer needed for reference, whichever is later (GRS 25, Item 6)

Item 23

Office Administrative Files

Copies of routine administrative records, including correspondence, forms and other documents relating to travel

Disposition TEMPORARY Destroy when 2 years old, or when no longer needed, whichever is sooner {GRS 23, item 1}

Item 24

Employment Applications

Applications, including OF 612, resumes, and any other application that an agency may develop for unique jobs with specialized requirements, and related records, EXCLUDING records relating to appointments requiring Senatorial confirmation and applications resulting in appointment which are filed in the OPF

Disposition TEMPORARY Destroy upon receipt of OPM inspection report or when 2 years old, whichever is earlier (GRS 1, Item 32)