

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-470-09-005

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules.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These items, unless subsequently superseded, may be used by the agency to disposition records.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SUPERSEDED AND OBSOLETE ITEMS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 They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling.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Item 1 was superseded by DAA-0470-2019-0004-0001.

Item 2 was superseded by DAA-0470-2019-0004-0002.

Item 7 was superseded by DAA-0470-2019-0004-0001.

Item 8 was superseded by DAA-0470-2019-0004-0008.

Item 11 was superseded by DAA-0470-2019-0004-0009.

Item 12 was superseded by DAA-0470-2019-0004-0010.

Item 13 was superseded by DAA-0470-2019-0004-00011.

Item 15 was superseded by DAA-0470-2019-0004-0012.

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>N1-470-09-5</i>	
1 FROM (Agency or establishment) Federal Mine Safety and Health Review Commission		Date Received <i>August 6, 2009</i>	
2 MAJOR SUB DIVISION Office of Chairman, Commissioners and Counsels		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request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	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 Sarah Stewart	5 TELEPHONE 202-434-9957	DATE <i>8/11/09</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>4</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	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	TITLE Chairman	
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
1-22	See attached sheets	N1-470-96-2	

INDIVIDUAL RECORD FILES OF THE CHAIRMAN, COMMISSIONERS, AND COUNSELS

Item 1 Cases Pending Before Review Commission

a Commissioners' Files Documents pertaining to cases pending before the Review Commission that contain notes by the Commissioners, draft decisions, and copies of pleadings, orders, and decisions

(1)

Disposition TEMPORARY Cut off files when the Commission issues its decision Move to Closed Case Files Destroy decision drafts when superseded by final decision

b Counsels' Files Documents almost identical to those in the Chairman's and Commissioners' files, but also includes counsels' notes of case-related discussions with the Chairman, Commissioners, and other counsel

(2)

Disposition TEMPORARY Cut off files when decision by Commission has been reached Move to Closed Case Files Destroy decision drafts when superseded by final decision

Item 2 Closed Case Files

Files of cases reviewed and decided upon by the Commission

(3)

Disposition TEMPORARY Destroy 60 days after issuance of Commission decision, or when no longer for reference, whichever is later If cases remanded to a judge, or if case appealed to the Courts, destroy after appeal process has been exhausted, or when no longer needed for reference, whichever is later

Item 3 Petitions for Discretionary Review - Denials

Parties may petition the Commission for review of an ALJ decision on a case These files document the Commission's denial of a review of an ALJ decision, and include the petition and the Commission's denial of review

(4)

Disposition TEMPORARY Destroy when no longer needed for reference

Item 4 Petitions for Interlocutory Review

Files consist of petitions to the Commission, submitted before a final ALJ decision is issued, and copies of the subsequent decisions or orders by the Commission

(5)

Disposition TEMPORARY Destroy when no longer needed for reference

Item 5 **Administrative Law Judge Decisions**

Copies of administrative law judge ("ALJ") decisions

(6)

Disposition TEMPORARY Destroy when no longer needed for reference

Item 6 **Default Orders and Other Orders**

Orders issued by the Commission

(7)

Disposition TEMPORARY Cut off at end of calendar year Destroy one year after cutoff or when no longer needed for reference

Item 7 **Commission Cases Pending before U.S. Court of Appeals**

Information regarding cases pending or resolved in the courts of appeals (including memos from General Counsel and copies of court decisions)

(8)

Disposition TEMPORARY Destroy when court of appeals decision is published or when no longer needed for reference, whichever is later

Item 8 **Case Tracking Files**

If available, monthly reports (statistical) from Administrative Law Judges, documenting the workload of each judge and the type of case, monthly reports by the FMSHRC Office of General Counsel, and similar administrative information on case processing, including monthly production reports, annual production reports, and pipeline reports Also may include occasional statistical reports prepared by the FMSHRC Office of General Counsel on developments in the U S Court of Appeals submitted to the Commissioners for informational purposes

(9)

Disposition TEMPORARY Destroy when no longer needed for reference

Item 9 **Rulemaking Files**

Files contain copies of proposed rules, comments received on proposed rules, intermediate drafts and edits, tally sheets, final rules and notes

(10)

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

Item 10 **Legislative Reference Files**

Files contain copies of Congressional bills, testimony before Congressional committees, correspondence, memoranda, and other documents regarding Congressional legislation pertaining to the Commission

(11) Disposition TEMPORARY For testimony before Congressional committees, cut off at end of calendar year Destroy 50 years after cutoff or when no longer needed for reference, whichever is later For other records, (including records relating to nominees to the Commission awaiting Senate confirmation) destroy when no longer needed for reference

Item 11 **Chronological Files of the Chairman and Commissioners**

Copies of correspondence and memoranda generated by the Chairman and each Commissioner

(12) Disposition TEMPORARY Cut off at end of calendar year Destroy 2 years after term of author expires

Item 12 **Subject Files**

Subject files contain information regarding legal issues (including issues relating to the Mine Act, MSHA regulations, FOIA, EAJA, the Sunshine Act, and procedural issues)

(13) Disposition TEMPORARY Destroy when no longer needed for reference

Item 13 **Management and Administrative Meeting Files**

Files relating to management and administrative issues, such as budget, personnel, office space, contacts with the White House and other federal agencies, vacancy announcements, merit pay, SES issues, ethics, recusals, and similar administrative information Files containing notices, agendas, and minutes of administrative staff meetings

(14) Disposition TEMPORARY Cut off at end of calendar year Destroy 3 years after cutoff or when no longer needed for reference, whichever is later

Item 14 **Speeches**

Speeches by Chairman and Commissioners

(15) Disposition PERMANENT Cut off at end of calendar year Transfer to the National Archives and Records Administration in 3 year blocks when most recent record in block is 3 years old Retain copies of speeches until no longer needed

for reference

Item 15

EEO Records

Files relating to the Commission's enforcement of the Equal Employment Opportunity Act and No FEAR Act. Files include related policies and notices, MD-715 Forms and Data, Accessions, Promotions, Departures, Agreement with Broadcasting Board of Governors to provide counseling services, and related confidential personnel matters. These files are maintained by the Commission's EEO Director and the Director's Assistant. Files regarding reasonable accommodations are maintained in the Executive Director's Office.

(16)

Disposition TEMPORARY. Cut off files at end of fiscal year. Destroy 7 years after cut-off, or when no longer needed for reference.