

Request for Records Disposition Authority

Records Schedule Number DAA-0201-2020-0005

Schedule Status Approved

Agency or Establishment Western Area Power Administration

Record Group / Scheduling Group Records of the Western Area Power Administration

Records Schedule applies to Agency-wide

Schedule Subject Legal and Legislative

Internal agency concurrences will
be provided No

Background Information

The Western Area Power Administration (WAPA) is one of four power marketing administrations within the U.S. Department of Energy. The power marketing administrations market and transmit wholesale electricity from multi-use water projects. The WAPA service area encompasses a 15-state region of the central and western U.S. where more than 17,000 circuit mile transmission system carries electricity from 57 hydropower plants operated by the Bureau of Reclamation, U.S. Army Corps of Engineers, and the International Boundary and Water Commission. WAPA sells its power to preference customers such as Federal and state agencies, cities and towns, rural electric cooperatives, public utility districts, irrigation districts, and Native American tribes. These customers then provide retail electric service to millions of consumers in the West.

The following items are arranged in an aggregate, media neutral schedule. All records series/systems for each retention bucket relate to the same general function or subject matter, and assigned the same disposition. Included is a crosswalk that maps each of WAPA's current series and electronic systems to the appropriate bucket item. This schedule establishes disposition authority for all WAPA records in the specific program area described and it supersedes all previous WAPA retention schedules (unless otherwise noted) and it should be applied retroactively to all extant records. There are numerous records covered under the below items, and compiling an exhaustive list would not be possible; it should not be considered a complete and exclusive listing of all pertinent documents. Headquarters, regional, field offices and other business operations are responsible for creating detailed file plans to note all records they create and maintain as well as specific cutoff and other implementing instructions unique to each record.

WAPA General Counsel provides legal services to the agency on matters concerning all aspects of power marketing and transmission,

development of power rates, finance, property management, construction, supply and service contracts, personnel and related programs, labor relations, and functions or activities assigned to WAPA. It performs all legal services and coordinates all activities in connection with WAPA's legislative program; prepares all legal opinions and performs research in rendering legal advice to all program officials in administering their respective programs; review and advice concerning adverse personnel actions and legal representation in Equal Employment Opportunity Committee formal hearings and before the Merit Systems Protection Board. Counsel also provides all legal services relating to labor relations, makes legal determinations and prepares all legal documents relating to acquisition and disposal of lands and interests in lands, relocation claims, land use, and environmental matters, and it performs all legal services in connection with power marketing, transmission and facilities contracts, power rates, and related documents. This program also processes tort claims and employee claims filed with WAPA, provides all legal services relating to procurement and property management, including review and interpretation of contracts, review and advice concerning bid protests, and legal representation before the Energy Board of Contract Appeals. Affords legal representation and services in connection with any litigation or agency hearings involving WAPA, as well as serving appropriate liaison and assistance to the Attorney General and the Department of Energy General Counsel in court litigation.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
5	1	4	0

GAO Approval

Outline of Records Schedule Items for DAA-0201-2020-0005

Sequence Number	
1	Minor Legal Cases and Issues Records. Disposition Authority Number: DAA-0201-2020-0005-0001
2	Major Legal Cases and Issues Records. Disposition Authority Number: DAA-0201-2020-0005-0002
3	Significant Legal and Legislative records Disposition Authority Number: DAA-0201-2020-0005-0003
4	Short Term Legal and Legislative Records Disposition Authority Number: DAA-0201-2020-0005-0004
5	Routine Legal and Legislative Records Disposition Authority Number: DAA-0201-2020-0005-0005

Records Schedule Items

Sequence Number	
1	<p>Minor Legal Cases and Issues Records.</p> <p>Disposition Authority Number DAA-0201-2020-0005-0001</p> <p>Data and documents recording litigation of a minor nature not directly related to the operation of mission functions of WAPA, as determined by the General Counsel. Cases of this type include, but are not limited to, those involving securities fraud; patents, copyrights, and trademarks; personal injury and property damage, personnel actions, grievances, and adverse action appeals.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</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 Upon termination of case, or subsequent appeals and other final decisions.</p> <p>Retention Period Destroy 20 years after cutoff, but longer retention is authorized if required for business use.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Major Legal Cases and Issues Records.</p> <p>Disposition Authority Number DAA-0201-2020-0005-0002</p> <p>Legal case records that concern areas and subjects related to major functions and activities of the agency, as determined by the General Counsel. Cases of this type include, but are not limited to, those involving ratemaking, environment, litigation, acquisition and management of land rights, resource acquisition, and the planning and operation of the power and transmission systems. Records include, but are not limited to cases related to power sales contracts, power customers, procurement, and transmission services, settlement agreements, rate making, land acquisition, environment, etc.</p>

Final Disposition	Temporary
Item Status	Active
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?	Yes
Disposition Instruction	
Cutoff Instruction	Upon termination of case, or subsequent appeals and other final decisions.
Retention Period	Destroy 50 years after cutoff, but longer retention is authorized if required for business use.

Additional Information

GAO Approval	Not Required
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Significant Legal and Legislative records

Disposition Authority Number	DAA-0201-2020-0005-0003
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Records identified by the WAPA General Counsel (in consultation with the WAPA Records Officer) as having continuing retention value beyond the legal and operational uses by GC. These records document substantive legal and legislative precedents, opinions, litigations, and rulemaking. Include, but are not limited to, rulemaking records, significant reports and final products generated by the Legal and Legislative programs of WAPA, and any WAPA work products relating to legal cases and litigations that meet the following criteria: establish a precedent for changing policy; receive extensive media coverage; generate significant controversy; relate to proposed and enacted State legislation case files involving WAPA; and relate to actions filed against WAPA, or by WAPA, in either an administrative agency or a court.

Final Disposition	Permanent
Item Status	Active
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?	Yes

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Disposition Instruction

If this item has multiple sections, indicate here records to which this section apply

Non-electronic Textual Records

Cutoff Instruction

When superseded or undergoes update, when case or appeal is closed, or upon publication.

Transfer to the National Archives for Accessioning

Transfer to the National Archives 15 year(s) after cutoff

Additional Information

First year of records accumulation **1979**

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

From 1979 To 2005

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

Every 1 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	20 Cubic feet	1 Cubic feet
Microform		
Hardcopy or Analog Special Media		

Disposition Instruction

If this item has multiple sections, indicate here records to which this section apply

Electronic Records

Cutoff Instruction

When superseded or undergoes update, when case or appeal is closed, or upon publication.

Transfer to the National Archives for Accessioning

Transfer to the National Archives 15 year(s) after cutoff

Additional Information

First year of records accumulation **2000**

What will be the date span of the initial transfer of records to the National Archives? **From 2000 To 2005**

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

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	20 GB	1 GB
Paper		
Microform		
Hardcopy or Analog Special Media		

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Short Term Legal and Legislative Records

Disposition Authority Number **DAA-0201-2020-0005-0004**

Supporting data and documents for legal and legislative functions that have short-term business value and do not record financial, contractual, or other enforceable obligations and commitments. Include, but are not limited to, attorney working files and subject files, subpoena response records, case/matter tracking/calendaring system records, announcements of public meetings, hearings, investigations, filings, and legal opinions and advice on administrative matters.

Final Disposition **Temporary**

Item Status **Active**

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? **Yes**

Disposition Instruction

Cutoff Instruction **End of fiscal year, when superseded, or upon response or final resolution, as appropriate**

Retention Period **Destroy 3 year(s) after cutoff**

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Additional Information

GAO Approval Not Required

Routine Legal and Legislative Records

Disposition Authority Number DAA-0201-2020-0005-0005

Data and documents created in administering legal and legislative activities that are routine in nature. Includes but not limited to drafts and supporting documentation for changes made to legal and legislative work products, records of proposed rule development, and routine and administrative-matter litigation records.

Final Disposition Temporary

Item Status Active

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? Yes

Disposition Instruction

Cutoff Instruction End of fiscal year, when superseded, or upon close of related case or final adjudication on appeal, as appropriate.

Retention Period Destroy 7 year(s) after cutoff

Additional Information

GAO Approval Not Required

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
12/26/2019	Certify	Christopher Magee	Agency Records Officer	Western Area Power Administration - Agency Wide
03/18/2020	Return for Revision	Steven Rhodes	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
04/28/2020	Submit For Certification	Christopher Magee	Agency Records Officer	Western Area Power Administration - Agency Wide
04/29/2020	Certify	Christopher Magee	Agency Records Officer	Western Area Power Administration - Agency Wide
06/22/2020	Return for Revision	Steven Rhodes	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
06/23/2020	Submit For Certification	Mark Ferguson	Records Specialist	All of WAPA - All of WAPA
06/23/2020	Certify	Christopher Magee	Agency Records Officer	Western Area Power Administration - Agency Wide
09/24/2020	Submit for Concurrence	Steven Rhodes	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
10/06/2020	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
10/15/2020	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration

				- National Records and Archives Administration
10/15/2020	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist

Crosswalk for WAPA Legal—Legislative Schedule DAA-0201-2020-0005 and Current WAPA Schedule
(1 May 2020)

Item	BUCKET TITLE	New Retention	Series Level Cut off Instructions, where applicable	Current Series Item	Current Series Title and Description	Superseded Authority	Superseded Retention	FOR PERMANENT RECORDS Office of Record*
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	Upon termination of case, final actions, or other closure actions that are unique to the individual record.	2000.001	<u>Personnel Action</u> <u>Legal assistance on personnel actions, grievances, and adverse action appeals, EXCLUDING legal proceedings or litigation files.</u>	N/A	Unscheduled.—To be Scheduled or Deleted.	
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	Date final rule is published	2020	Documents and correspondence accumulated in preparation, review, comment, and legal interpretation of proposed or enacted legislation.	N/A	Unscheduled.—To be Scheduled or Deleted.	
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	End of fiscal year in which determination is made	2032.003	Mistakes in bids; determination and actions by the General Counsel or Comptroller General.	N/A	Unscheduled.—To be Scheduled or Deleted.	
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	Close of case, end of litigation	2040.005	Other litigation cases.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	TEMPORARY. Destroy 10 years after the close of the case.	
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	End of FY if no further action, or close of case, end of litigation	2040.006	Pending actions; status of reports of claims, disputes, litigation and other similar matters	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	TEMPORARY. Destroy 10 years after final action or decision.	
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	End of appeal process	2040.007	<u>Board of Contract Appeal Cases.</u> Material on contractor matters and decisions of the Board.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	TEMPORARY. Destroy, 10 years after final action or decision.	

Crosswalk for WAPA Legal—Legislative Schedule DAA-0201-2020-0005 and Current WAPA Schedule
(1 May 2020)

Item	BUCKET TITLE	New Retention	Series Level Cut off Instructions, where applicable	Current Series Item	Current Series Title and Description	Superseded Authority	Superseded Retention	FOR PERMANENT RECORDS Office of Record*
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	Resolution of claim, property case, payment of account, etc.	2045.001	Correspondence and documents related to claims such as personal injury; a bandoned, damaged, or unclaimed property; a acquisition and disposal of personal and real property; delinquent accounts; and other similar matters. EXCLUDE those resulting in litigation.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	TEMPORARY. Destroy 10 years after close of case.	
DAA-0201-2020-0005-0001	Legal— Legislative	TEMPORARY. Destroy 20 years after cutoff, but longer retention is authorized if required for business use	Close of case, end of litigation	2045.002	Claims resulting in litigation. (Incorporate with case material.)	N/A	Use disposition for a appropriate type of litigation.	
DAA-0201-2020-0005-0002	Legal— Legislative	TEMPORARY. Destroy 50 years after cutoff, but longer retention is authorized if required for business use	Close of case, end of litigation	2040.004	Litigation cases involving personal injuries alleged to have been caused by radiation.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	TEMPORARY. Destroy when 75 years old.	
DAA-0201-2020-0005-0003	Legal— Legislative	PERMANENT. Transfer to the National Archives 15 year after cutoff	Date Final is Issued	2010	Legal Opinions Numbered legal opinions. Copies may be filed in an appropriated subject file.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	PERMANENT. Transfer to NARA 25 years after close of case. (DOEADM 14-52a) (NC1-430-78-1)	General Counsel
DAA-0201-2020-0005-0003	Legal— Legislative	PERMANENT. Transfer to the National Archives 15 year after cutoff	End of fiscal year in which legal advice is issued	2030	Rules and Regulations Material accumulated in-preparing, reviewing, commenting, interpreting, and providing legal advice on regulations and roles of Government regulatory agencies.	N/A	Unscheduled. –To be Scheduled or Deleted.	General Counsel
DAA-0201-2020-0005-0003	Legal— Legislative	PERMANENT. Transfer to the National Archives 15 year after cutoff	End of fiscal year	2040	Correspondence and other material documenting the actions of the General Counsel and other	N/A	Unscheduled. –To be Scheduled or Deleted.	General Counsel

Crosswalk for WAPA Legal—Legislative Schedule DAA-0201-2020-0005 and Current WAPA Schedule
(1 May 2020)

Item	BUCKET TITLE	New Retention	Series Level Cut off Instructions, where applicable	Current Series Item	Current Series Title and Description	Superseded Authority	Superseded Retention	FOR PERMANENT RECORDS Office of Record*
					divisions in protecting the interests of Western.			
DAA-0201-2020-0005-0003	Legal— Legislative	PERMANENT. Transfer to the National Archives 15 year after cutoff	Close of case, end of litigation	2040.001	Litigations having significant effect on statutes or rules and regulations as determined by the General Counsel.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	PERMANENT. Offer to NARA when 25 years old.	General Counsel
DAA-0201-2020-0005-0003	Legal— Legislative	PERMANENT. Transfer to the National Archives 15 year after cutoff	Close of case, end of litigation	2040.002	Litigation cases of intense public interest and which attract the interest of congressional committees, the Executive Office of the President, or the national media.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	PERMANENT. Offer to NARA when 25 years old.	General Counsel
DAA-0201-2020-0005-0003	Legal— Legislative	PERMANENT. Transfer to the National Archives 15 year after cutoff	Close of case, end of litigation	2040.003	Litigation cases reviewed by the Supreme Court.	[A Department of Energy schedule was previously referenced by the series code. DOE items are not authorized to be superseded by WAPA.]	PERMANENT. Offer to NARA when 25 years old.	General Counsel