

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> <i>(See Instructions on reverse)</i>		<b>LEAVE BLANK (NARA use only)</b>	
10 NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER <i>NI-237-03-1</i>	
1 FROM (Agency or establishment) Federal Aviation Administration		DATE RECEIVED <i>9-30-02</i>	
2 MAJOR SUBDIVISION Chief Counsel		NOTIFICATION TO AGENCY	
3 MINOR SUBDIVISION Airports Law Branch, AGC-610		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request including amendments, is approved except for items that may be marked 'disposition not approved' or 'withdrawn' in column 10	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	5 TELEPHONE	DATE	ARCHIVIST OF THE UNITED STATES
Frank San Martin	(202) 267-3211	<i>6-21-04</i>	<i>John W. Paul</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 ~~8~~ *4* page(s) are not now needed 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,

is not required,  is attached, or  has been requested

DATE: *9/12/02* SIGNATURE OF AGENCY REPRESENTATIVE: *Katerina C. Thomas* TITLE: *FAA Records Officer*

7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
(1)	14 CFR Part 13 Complaint Cases and Investigations against Federally-Assisted Airports		
(2)	14 CFR Part 16 Complaint Cases and Investigations against Federally-Assisted Airports		
	This system of records is necessary to ensure fair and equitable treatment of all parties		
	(A) All records are public dockets		
	(B) Retention and Disposal		
	1. Retained in the FAA for one year following the calendar year within which the case was closed		
	2. Disposal four years following transfer to National Archives (Federal Records Center)		
	2170 - AIRPORT COMPLIANCE PROCEEDINGS DOCKET		

*See next page*

*cc Agency, NR, NWMW, NWCT*

**AIRPORT COMPLIANCE PROCEEDINGS DOCKET (Item No. 2170)**

**1. 14 CFR Part 13 Subpart A and Part 16 Airport Proceedings Docket Records.** Dockets relating to Federally-assisted airport cases involving allegations of violations of Federal Statutes codified in title 49 of the United States Code, and subject to in-house adjudication under 49 U.S.C. 40103(e), 40116, 46101, 47107, and related Federal Grant Assurances.

*NOTE: A limited number of case files may warrant permanent retention if they set a major legal precedent, significantly interpret FAA regulations, reflect significant developments, or attract extensive public attention. Notify the National Archives and Records Administration so that an analysis and appraisal of these case files can be conducted and appropriate disposition authorized. This is a media independent schedule. Records scheduled for permanent retention in the National Archives will be transferred on a medium and in a format acceptable to the National Archives.*

**a. Cases NOT appealed to and litigated in a Federal Court:**

Disposition: Cut off closed case files at the end of the calendar year within which they are closed. Transfer to offsite storage 1 year after cutoff. **Destroy** 5 years after cutoff.

**b. Cases appealed to and litigated in a Federal Court:****(1) Part 13 Cases Docket Files.**

Disposition: Cut off closed case files at the end of the calendar year within which they are closed. Transfer to offsite storage 1 year after cutoff. **Destroy** 30 years after cutoff.

**(2) Part 16 Cases Docket Files.**

Disposition: Cut off closed case files at the end of the calendar year within which they are closed. Transfer to offsite storage 1 year after cutoff. **Destroy** 20 years after cutoff.

**2. Electronic Mail and Word Processing System Copies.** 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 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 recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

Disposition: Delete/destroy within 180 days after the recordkeeping copy has been produced.

b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

Disposition: Delete when dissemination, revision, or updating is complete.

Please note the following background information for this schedule:

### **Adjudication Process**

Cases Subject to Part 16 Adjudication In these cases involving complaints or notices of investigation against Federally-Assisted Airports pursuant to 14 CFR Part 16, the Director of the Office of Airport Safety and Standards issues a Director's Determination (administrative decision) following investigation of the facts of the case. The Director's Determination may be appealed to the FAA Associate Administrator for Airports who issues a Final Agency Decision, following review of briefs. Many cases are dismissed without prejudice prior to the initiation of an investigation of the issuance of a Director's Determination. Final Agency Decisions are subject to Judicial Review in United States Court of Appeals. A small number of cases result in the withholding of Federal entitlement funds from the Federally assisted airport named as the respondent. In those cases, the Director's Determination provides the opportunity for a hearing, which may result in a Hearing Officer's Decision. The Hearing Officer's Decision may be appealed to the FAA Associate Administrator for Airports and the United States Court of Appeals.

Cases Subject to Part 13 Subpart A Adjudication. Part 16 replaced 14 CFR Part 13 as the Rules of Practice for Federally assisted airport cases, effective December 16, 1996. In these cases involving complaints against Federally Assisted Airports pursuant to 14 CFR Part 13 Subpart A, filed prior to December 16, 1996, the Director of the Office of Airport Safety and Standards issued a Record of Decision (administrative decision) following investigation of the facts of the case. The Record of Decision was subject to Judicial Review in United States Court of Appeals. A small number of cases resulted in the withholding of Federal entitlement funds from the Federally Assisted airport named as the respondent. In those cases, the respondent was provided the opportunity for a hearing, which could have resulted in an Administrative Law Judge's decision. The Administrative Law Judge's Decision could be appealed to the Administrator, and then to the United States Court of Appeals. Part 16 does provide that in rare instances where a

complaint against a Federally-Assisted airport is outside Part 16 jurisdiction, a Part 13 complaint may still be filed under 14 CFR Part 13.

### **Description of the Records**

Each Part 16 docket contains some or all of the following records:

- complaint;
- answer;
- reply;
- rebuttal
- evidentiary material such as letters, manuals, photographs, maps, charts, and tapes attached as exhibits to the pleadings or requested by the FAA;
- written Director's Determination;
- notices of appeal to the Associate Administrator for Airports and briefs;
- written Final Agency Decision by the Associate Administrator for Airports;
- petition for review filed in Federal Court;
- orders of a Federal Court; and
- certified index of documents constituting the record filed in Federal Court.

In a case where a hearing is provided, the Part 16 Docket may also include:

- request for hearing;
- transcripts of pre-hearing conferences;
- pre-hearing orders issued by a Hearing Officer, including scheduling orders; various pre-hearing motions and replies thereto;
- discovery requests and responses thereto;
- written Hearing Officer's Decision;
- hearing transcript; and
- evidentiary material such as letters, manuals, photographs, maps, charts, and tapes introduced at the hearing and not attached to the hearing transcript.

Each Part 13 Subpart A docket contains some or all of the following records:

- some or all of the records noted above for Part 16 dockets except for Director's Determinations and Final Agency Decisions;
- Records of Decisions; and
- Decisions by Administrative Law Judges.

### Events that Lead to Case Resolution and File Closure

A Part 16 Case is resolved and the file is closed after the latest of the following events (including expiration of any appeal rights):

- a complaint is dismissed without prejudice under 14 CFR 16.27 and not re-filed, or
- a complaint is dismissed with prejudice under 14 CFR 16.25 and not appealed within 30 days pursuant to 14 CFR 16.33(b); or
- a Director's Determination is issued under 14 CFR 16.31 and not appealed within 30 days to the Associate Administrator for Airports pursuant to 14 CFR 16.33(b); or
- a Hearing Officer's decision is issued under 14 CFR 16.33(b) and not appealed to the Associate Administrator for Airports within 15 days pursuant to 14 CFR 16.241(b); or
- a Final Agency Decision is issued under 14 CFR 16.33 and not appealed within 60 days to the United States Court of Appeals pursuant to 14 CFR 16.247; or
- if an appeal is filed, a Final Order is rendered by a Federal Court.

A Part 13 Subpart A Case is resolved and the file is closed after the latest of the following events (including expiration of any appeal rights):

- the case was closed by the FAA Office of the Chief Counsel as reflected on the historical Part 13 record; or
- a complaint under 14 CFR Part 13 is withdrawn; or
- the complainant has failed to pursue the case; or
- a hearing decision is issued by an Administrative Law Judge and not appealed to the Administrator within 20 days pursuant to 14 CFR 13.20(g); or
- a Record of Decision is issued under 14 CFR 13.5 or 13.20(j) and no appeal is filed within 60 days to the United States Court of Appeal pursuant to 49 USC 46110; or
- if an appeal is filed, a Final Order is rendered by a Federal Court.

### Imaging of Case Files

Beginning with cases filed *on or after* January 1, 2002, the majority of Part 16 dockets are being optically scanned into the Department of Transportation (DOT) Document Management System (DMS). (Available online at: <http://dms.dot.gov>.) Oversized items in case files are not optically scanned and are excluded from DMS. No Part 13 Subpart A dockets have been scanned to date and there is no plan to scan them.

This schedule is written to be media independent. This schedule applies to all formats and media in which these records are created and maintained including paper, microform, and electronic. When the FAA decides to treat the electronic versions of these case files as its record copy, the retention periods outlined in this document will apply to the electronic images.