

Request for Records Disposition Authority

Records Schedule Number DAA-0571-2018-0006

Schedule Status Approved

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Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
8	0	8	0

GAO Approval

Outline of Records Schedule Items for DAA-0571-2018-0006

Sequence Number	
1	LITIGATION FILES Disposition Authority Number: DAA-0571-2018-0006-0001
2	NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW LEGAL FILES Disposition Authority Number: DAA-0571-2018-0006-0002
3	MEMORANDUMS OF UNDERSTANDING (MOUs)/MEMORANDUMS OF AGREEMENT (MOAs). Disposition Authority Number: DAA-0571-2018-0006-0003
4	LEGAL OPINIONS AND INTERPRETATIONS Disposition Authority Number: DAA-0571-2018-0006-0004
5	LEGISLATIVE FILES Disposition Authority Number: DAA-0571-2018-0006-0005
6	APPEALS OF DENIALS OF REQUESTS FOR RECONSIDERATION FOR HAZMAT SPECIAL PERMITS AND APPROVALS Disposition Authority Number: DAA-0571-2018-0006-0006
7	HAZMAT PREEMPTION DETERMINATION AND WAIVER FILES Disposition Authority Number: DAA-0571-2018-0006-0007
8	PHMSA EMERGENCY RESTRICTIONS, PROHIBITIONS, RECALLS, AND OUT OF SERVICE ORDERS, AND APPEALS OF ALL EMERGENCY ORDERS Disposition Authority Number: DAA-0571-2018-0006-0008

Records Schedule Items

Sequence Number	
1	<p>LITIGATION FILES</p> <p>Disposition Authority Number DAA-0571-2018-0006-0001</p> <p>Litigation case files contain records relating to cases in Federal courts, including Federal District Courts and Federal Courts of Appeals. Files contain correspondence, court filings, background material, opinions, research, and other relevant documents. *NOTE* Some litigation case files may be worthy of permanent retention if they significantly interpret PHMSA basic statutes and regulations or reflect significant developments. These should be brought to the attention of NARA so that they can be appraised and appropriate disposition authorized.</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? No</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cutoff at conclusion of the matter</p> <p>Retention Period Destroy no sooner than 10 year(s) after cutoff but longer retention is authorized</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REVIEW LEGAL FILES</p> <p>Disposition Authority Number DAA-0571-2018-0006-0002</p> <p>General correspondence, background material and reviews between PHMSA and private applicants for special permits and other Federal agencies on the sufficiency or legal aspects of environmental documents (e.g. EA, FONSI, EIS, ROD, etc.).</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 No</p>

3	electronic format(s) other than e-mail and word processing?	
	Disposition Instruction	
	Cutoff Instruction	Cutoff at conclusion of the matter.
	Retention Period	Destroy no sooner than 7 year(s) after cutoff but longer retention is authorized
	Additional Information	
	GAO Approval	Not Required
	MEMORANDUMS OF UNDERSTANDING (MOUs)/MEMORANDUMS OF AGREEMENT (MOAs).	
	Disposition Authority Number	DAA-0571-2018-0006-0003
	Memorandums of Understanding, 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.	
	Final Disposition	Temporary
4	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff at expiration of MOU.
	Retention Period	Destroy 7 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	LEGAL OPINIONS AND INTERPRETATIONS	
	Disposition Authority Number	DAA-0571-2018-0006-0004
	Files include requests for and responses to requests for legal opinions and interpretations, analyses, conclusions, advice, authorities, and correspondence, including memos and electronic mail, prepared and or/issued by the Office of General Counsel. *NOTE* Some legal opinion and interpretation files may be worthy of permanent retention if they significantly interpret PHMSA basic statutes and regulations or reflect significant developments. These should be brought to	

the attention of NARA so that they can be appraised and appropriate disposition authorized.

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? No

Disposition Instruction

Cutoff Instruction Cutoff at conclusion of the matter or when no longer needed, whichever is later.

Retention Period Destroy no sooner than 10 year(s) after cutoff but longer retention is authorized

Additional Information

GAO Approval Not Required

LEGISLATIVE FILES

Disposition Authority Number DAA-0571-2018-0006-0005

Legislative files contain information on 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 materials legislation, and responses to congressional requests for technical assistance. *NOTE* Some legislative comment files may be worthy of permanent retention if they significantly interpret PHMSA basic statutes and regulations or reflect significant developments. These should be brought to the attention of NARA so that they can be appraised and appropriate disposition authorized.

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? No

Disposition Instruction

Cutoff Instruction Cutoff at conclusion of the matter or when no longer needed, whichever is later.

6	Retention Period	Destroy no sooner than 10 year(s) after cutoff but longer retention is authorized
	Additional Information	
	GAO Approval	Not Required
	APPEALS OF DENIALS OF REQUESTS FOR RECONSIDERATION FOR HAZMAT SPECIAL PERMITS AND APPROVALS	
	Disposition Authority Number	DAA-0571-2018-0006-0006
	Decisions on Appeal	
	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?	No
7	Disposition Instruction	
	Cutoff Instruction	Cutoff after resolution of the matter.
	Retention Period	Destroy 7 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	HAZMAT PREEMPTION DETERMINATION AND WAIVER FILES	
	Disposition Authority Number	DAA-0571-2018-0006-0007
	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	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?	No
	Disposition Instruction	

8	Cutoff Instruction	Cutoff after final administrative action or when no longer needed, whichever is later.
	Retention Period	Destroy no sooner than 10 year(s) after cutoff but longer retention is authorized
	Additional Information	
	GAO Approval	Not Required
	PHMSA EMERGENCY RESTRICTIONS, PROHIBITIONS, RECALLS, AND OUT OF SERVICE ORDERS, AND APPEALS OF ALL EMERGENCY ORDERS	
	Disposition Authority Number	DAA-0571-2018-0006-0008
	PHMSA issued pleadings, briefs, correspondence, and related materials regarding Emergency Orders; agency decisions on appeals of all Emergency Orders, and agency decisions on reconsideration of ALJ decisions regarding Emergency Orders.	
	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?	No
	Disposition Instruction	
	Cutoff Instruction	Cutoff after final administrative action or when no longer needed, whichever is later.
	Retention Period	Destroy no sooner than 10 year(s) after cutoff but longer retention is authorized
	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
10/04/2018	Certify	Faustine Robinson	Records Officer	Pipeline and Hazardous Materials Safety Administration - Pipeline and Hazardous Materials Safety Administration
07/18/2019	Return for Revision	David Weber	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
08/07/2019	Submit For Certification	Daphene Floyd	Administrative Officer	Pipeline and Hazardous Material Safety Administration - Office of Chief Counsel
08/07/2019	Certify	Faustine Robinson	Records Officer	Pipeline and Hazardous Materials Safety Administration - Pipeline and Hazardous Materials Safety Administration
05/01/2020	Submit for Concurrence	David Weber	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
08/04/2020	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
08/05/2020	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
08/05/2020	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist