

Request for Records Disposition Authority

Records Schedule Number DAA-0470-2019-0004

Schedule Status Approved

Agency or Establishment Federal Mine Safety and Health Review Commission

Record Group / Scheduling Group Records of the Federal Mine Safety and Health Review Commission

Records Schedule applies to Department-wide

Schedule Subject OFFICE OF THE CHAIRMAN, COMMISSIONERS AND COUNSELS

Internal agency concurrences will be provided No

Background Information

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
10	3	7	0

GAO Approval

Outline of Records Schedule Items for DAA-0470-2019-0004

Sequence Number	
1	SUBSTANTIVE CASES PENDING BEFORE REVIEW COMMISSION -- Commissioners' Files Disposition Authority Number: DAA-0470-2019-0004-0001
2	SUBSTANTIVE CASES PENDING BEFORE REVIEW COMMISSION - Counsels' and Law Clerks' Files Disposition Authority Number: DAA-0470-2019-0004-0002
3	COMMISSION CASES PENDING BEFORE U.S. COURT OF APPEALS Disposition Authority Number: DAA-0470-2019-0004-0007
4	DEFAULT CASES PENDING BEFORE REVIEW COMMISSION Disposition Authority Number: DAA-0470-2019-0004-0008
5	LEGISLATIVE REFERENCE FILES Disposition Authority Number: DAA-0470-2019-0004-0009
6	CHRONOLOGICAL FILES OF THE CHAIRMAN AND COMMISSIONERS Disposition Authority Number: DAA-0470-2019-0004-0010
7	SUBJECT FILES Disposition Authority Number: DAA-0470-2019-0004-0011
8	SPEECHES Disposition Authority Number: DAA-0470-2019-0004-0012
9	BIOGRAPHIES OF CHAIRMAN AND COMMISSIONERS Disposition Authority Number: DAA-0470-2019-0004-0013
10	ANNUAL REPORTS Disposition Authority Number: DAA-0470-2019-0004-0014

Records Schedule Items

Sequence Number	
1	<p>SUBSTANTIVE CASES PENDING BEFORE REVIEW COMMISSION -- Commissioners' Files</p> <p>Disposition Authority Number DAA-0470-2019-0004-0001</p> <p>Documents and selected hard copies of emails pertaining to substantive cases pending before the Review Commission that contain: • copies of pleadings orders, and decisions; • draft decisions; • notes and edits by Commissioners; • memoranda and selected hard copies of emails setting forth analyses and opinions of recommended disposition of motions, procedural matters and cases.</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>GRS or Superseded Authority Citation NI-470-09-05/1</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cut off files when the Commission issues its decision. Move to Closed Case Files.</p> <p>Retention Period Destroy initial drafts of decisions and orders, subsequent drafts with Commissioners' edits, and selected hard copies of case-related emails when superseded by final decision. Destroy memoranda when no longer needed for reference.</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>SUBSTANTIVE CASES PENDING BEFORE REVIEW COMMISSION - Counsels' and Law Clerks' Files</p> <p>Disposition Authority Number DAA-0470-2019-0004-0002</p> <p>Documents similar to those in the Chairman's and Commissioners' files, but that also include counsels' and law clerks' notes of case-related discussions with</p>

the Chairman, Commissioners, and other counsels and clerks. Also included are the following: • memoranda and selected hard copies of emails discussing whether a petition for discretionary review or a petition for interlocutory review should be granted; • memoranda and selected hard copies of emails regarding a pending Commission case (often produced prior to a Commission meeting); • memoranda and selected hard copies of emails on a generally-applicable legal issue (although sometimes generated by a pending case); • selected hard copies of emails and hard copies of majority or separate draft decisions with suggested edits; • summaries of decided Commission and appellate court cases.

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

GRS or Superseded Authority Citation NI-470-09-05/2

Disposition Instruction

Cutoff Instruction Cut off files when the Commission has issued its decision. Move to Closed Case Files.

Retention Period Destroy decision drafts when superseded by final decision.

Additional Information

GAO Approval Not Required

COMMISSION CASES PENDING BEFORE U.S. COURT OF APPEALS

Disposition Authority Number DAA-0470-2019-0004-0007

Files of cases pending before U.S. Courts of Appeals, which contain copies of pleadings, orders, decisions, and related memoranda, emails and 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? Yes

3

4	Do any of the records covered by this item exist as structured electronic data?	Yes
	GRS or Superseded Authority Citation	NI-470-09-05/8
	Disposition Instruction	
	Cutoff Instruction	Cut off files upon final decision by U.S. Court of Appeals or final step of appeal process.
	Retention Period	Destroy after issuance of final decision or when no longer needed for reference, whichever is later. Emails may be destroyed when superceded or no longer needed for reference, whichever is later.
	Additional Information	
	GAO Approval	Not Required
	DEFAULT CASES PENDING BEFORE REVIEW COMMISSION	
	Disposition Authority Number	DAA-0470-2019-0004-0008
	Documents and selected hard copies of emails pertaining to cases in which the Commission is asked to reopen a case.	
	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
5	Do any of the records covered by this item exist as structured electronic data?	Yes
	GRS or Superseded Authority Citation	NI-470-09-05/7
	Disposition Instruction	
	Cutoff Instruction	Cut off at end of calendar year.
	Retention Period	Destroy one year after cutoff or when no longer needed for reference.
	Additional Information	
	GAO Approval	Not Required
	LEGISLATIVE REFERENCE FILES	

Disposition Authority Number DAA-0470-2019-0004-0009

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

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

GRS or Superseded Authority Citation NI-470-09-05/11

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year.

Retention Period For testimony before Congressional committees and correspondence related to legislation and other matters regarding the Commission, cut off at end of calendar year. Destroy 5 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.

Additional Information

GAO Approval Not Required

CHRONOLOGICAL FILES OF THE CHAIRMAN AND COMMISSIONERS

Disposition Authority Number DAA-0470-2019-0004-0010

Copies of correspondence and memoranda organized in chronological order generated and received by the Chairman and each Commissioner.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

6

7

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
GRS or Superseded Authority Citation	NI-470-09-05/12
Disposition Instruction	
Cutoff Instruction	Cut off at end of calendar year.
Retention Period	Destroy 2 year(s) after term of author expires.
Additional Information	
GAO Approval	Not Required
SUBJECT FILES	
Disposition Authority Number	DAA-0470-2019-0004-0011
Information regarding legal issues (including issues relating to the Mine Act, MSHA regulations, FOIA, EAJA, the Sunshine Act, and procedural issues).	
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
GRS or Superseded Authority Citation	NI-470-09-05/13
Disposition Instruction	
Cutoff Instruction	Destroy when no longer needed for audit, litigation or FOIA purposes.
Retention Period	Destroy when no longer needed for audit, litigation or FOIA purposes.
Additional Information	
GAO Approval	Not Required

8

SPEECHES

Disposition Authority Number DAA-0470-2019-0004-0012

Speeches by Chairman and Commissioners.

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? No

GRS or Superseded Authority Citation NI-470-09-05/15

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year.

Transfer to the National Archives for Accessioning Transfer to the National Archives and Records Administration in 5 year blocks when most recent record in block is 5 years old. Retain copies of speeches until no longer needed for reference.

Additional Information

First year of records accumulation 1995

What will be the date span of the initial transfer of records to the National Archives? From 1995 To 2015

How frequently will your agency transfer these records to the National Archives? Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	500 MB	25dMB
Paper		
Microform		
Hardcopy or Analog Special Media		

9

BIOGRAPHIES OF CHAIRMAN AND COMMISSIONERS

Disposition Authority Number DAA-0470-2019-0004-0013

Files relating to biographies of the Commission's Chairman and Commissioners

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? No

GRS or Superseded Authority Citation N1-470-09-1/4

Disposition Instruction

Cutoff Instruction At the end of calendar year.

Transfer to the National Archives for Accessioning Transfer to the National Archives in 5 year blocks 5 year(s) after block closes

Additional Information

What will be the date span of the initial transfer of records to the National Archives? From 2017 To 2022

How frequently will your agency transfer these records to the National Archives? Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	50 MB	25 MB
Paper		
Microform		
Hardcopy or Analog Special Media		

10

ANNUAL REPORTS

Disposition Authority Number DAA-0470-2019-0004-0014

Files relating to annual reports filed by the Commission, such as annual performance reports and other reports to Congress.

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? No

GRS or Superseded Authority Citation N1-470-09-1/9

Disposition Instruction

Cutoff Instruction At the end of calendar year.

Transfer to the National Archives for Accessioning Transfer to the National Archives in 5 year blocks 5 year(s) after block closes

Additional Information

What will be the date span of the initial transfer of records to the National Archives? From 2017 To 2022

How frequently will your agency transfer these records to the National Archives? Every 5 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	50 MB	25
Paper		
Microform		
Hardcopy or Analog Special Media		

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
02/28/2019	Certify	Christina Rosas	Agency Records Officer	Office of the Chairman - Office of the SAO
08/16/2019	Submit for Concurrence	David Weber	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
08/20/2019	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
08/21/2019	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
08/22/2019	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist