

U.S. Department of Energy Office of Legacy Management



Procedure: 200.4-2

Effective: 3-10-09

SUBJECT: DONATION OF TEMPORARY FEDERAL RECORDS AND NONRECORDS

1. PURPOSE. To establish responsibilities for the donation of Legacy Management (LM) temporary records and nonrecords to other U.S. Department of Energy (DOE) organizations, other Government agencies, stakeholders, or educational institutions.
2. CANCELLATION. None
3. REFERENCES.
 - a. 36 Code of Federal Regulations (CFR) 1228.60, Donation of Temporary Records
 - b. DOE Guide 1324.5B, Implementation Guide for Use with 36 CFR Chapter XII – Subchapter B Records Management
 - c. DOE Order 243.1, Records Management Program
 - d. LM Procedure 200.4, Records Management
 - e. National Archives and Records Administration (NARA) Bulletin 2008-02, Protecting Federal records and other documentary materials from unauthorized removal
4. DEFINITIONS.
 - a. Disposal -- The transfer of temporary records from a Federal agency to a responsible person or organization after the authorized retention period has expired. Requires NARA approval.

- b. Disposition -- The actions taken regarding records no longer needed for current Government business. These actions include transfer to agency storage facilities or Federal Records Centers, transfer from one Federal agency to another, transfer of permanent records to the National Archives, and disposal of temporary records. Disposition is the third stage of the records life cycle.
- c. National Archives and Records Administration (NARA) -- An independent Federal agency that provides guidance to Federal agencies on the management of records, determines the retention and disposition of records, stores agency records in records centers from which agencies can retrieve them, and preserves permanently valuable Federal records.
- d. Nonrecord Material -- U.S. Government-owned informational materials excluded from the legal definition of records or not meeting the requirements of that definition. Includes extra copies of documents kept only for convenience of reference, stocks of publications and of processed documents, and library or museum materials intended solely for reference or exhibition.
- e. Permanent Records -- Records appraised by NARA as having sufficient historical or other value to warrant continued preservation by the Federal government beyond the time they are needed for administrative, legal, or fiscal purposes.
- f. Program Records Official (PRO) -- Individual who ensures that all LM records management practices are properly executed.
- g. Records -- All books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.
- h. Records Coordinators -- Personnel who work with the Records Liaison Officer to provide support for LM records management activities.
- i. Records Liaison Officer (RLO) -- Individual(s) designated by the PRO to oversee the LM records management program in cooperation with the DOE Records Officer.

- j. Temporary Records -- Records approved by NARA for disposal, either immediately or after a specified retention period.

5. QUALITY CONTROL. Not applicable

6. RESPONSIBILITIES.

- a. The Directors of the Office of Business Operations and Office of Site Operations are responsible for ensuring all LM Personnel are cognizant of record/nonrecord donation protocols; and that failure to follow them may place LM at risk.
- b. The PRO, Team Leader of Archives and Information Management, is responsible for making the final decision in matters concerning the donation of temporary records or nonrecords, and is the sole approval authority for all record and nonrecord donation actions.
- c. RLOs and Records Coordinators are responsible for providing guidance and assistance to LM personnel concerning the donation of record and nonrecord material.
- d. LM personnel are responsible for consulting with the PRO prior to making offers or commitments pertaining to the donation of Federal record and nonrecord material to colleagues, stakeholders, organizations, or other entities in the Federal and private sector.

7. TRAINING REQUIREMENTS. All LM personnel shall be cognizant of the applicable requirements and processes within this procedure.

8. DOCUMENT CONTROL. The RLO ensures that documentation (e.g., donation proposal, NARA approval) concerning LM records donations are filed in the LM electronic record keeping system (ERKS).

9. PROCEDURE.

This procedure covers the donation of temporary records or nonrecord material. Permanent records shall be dispositioned to NARA according to the applicable disposition authority, Government regulations, and DOE requirements.

a. LM Personnel:

- (1) Identify Federal record or nonrecord material to be proposed for donation.
- (2) Create a written proposal detailing the proposed donation, seeking guidance or assistance from an RLO or Records Coordinator as needed.

(3) Submit the written proposal to the PRO.

b. The PRO:

(1) Reviews all written proposals for the donation of record and nonrecord material.

(2) Approves or disapproves the written proposal.

(3) Communicates the decision to LM personnel originating the written proposal.

(4) Processes approved donation proposals according to the requirements for temporary records donations as stated in 36 CFR 1228.60. Pursuant to the requirements:

(a) The public interest must be served.

(b) Written approval must be received by NARA before the donation of any temporary Federal record.

(c) The Government shall not incur any cost.

(5) Coordinates with the RLO or Records Coordinators to prepare required donation documentation.

(6) Signs all donation documentation.

(7) Forwards all donation documentation to the Director, DOE Records Management Division, IM-23, for signature approval and forwarding to NARA for consideration.

(8) Receives signed notification from NARA stating that the donation proposal is approved. (If the donation is not approved, the PRO notifies the intended recipient of the decision.)

(9) Instructs the RLO or Records Coordinators to initiate donation activity.

10. ATTACHMENTS.

- a. Attachment A. – Donation of Temporary Records Flowchart
- b. Attachment B. – 36 CFR 1228.60

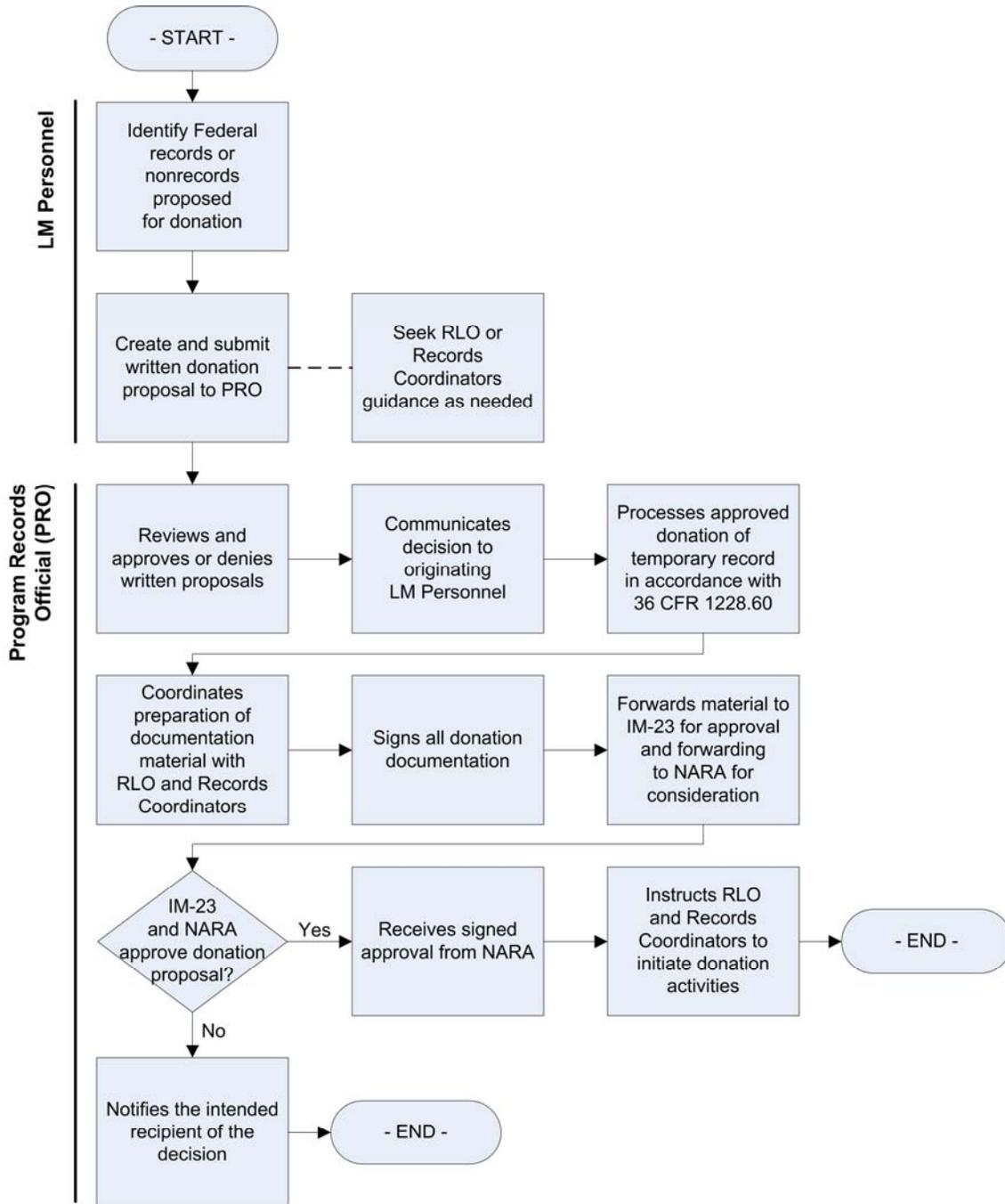
Approved: Original signed by
Barbara McNeal
Director
Office of Business Operations

3/10/09
Date

Distribution: As required

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Attachment A. – Donation of Temporary Records Flowchart



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Attachment B. – 36 CFR 1228.60

NARA Code of Federal Regulations – 36 CFR 1228.60 Donation of temporary records

- (a) When the public interest will be served, a Federal agency may propose the transfer of records eligible for disposal to an appropriate person, organization, institution, corporation, or government (including a foreign government) that has requested them. Records will not be transferred without prior written approval of NARA.
- (b) The head of a Federal agency shall request the approval of such a transfer by sending a letter to NARA (NWML), 8601 Adelphi Rd., College Park, MD 20740-6001. The request shall include:
 - (1) The name of the department or agency, and subdivisions thereof, having custody of the records;
 - (2) The name and address of the proposed recipient of the records;
 - (3) A list containing:
 - (i) An identification by series or system of the records to be transferred,
 - (ii) The inclusive dates of the records,
 - (iii) The NARA disposition of job (SF 115) or GRS and item numbers that authorize disposal of the records;
 - (4) A statement providing evidence:
 - (i) That the proposed transfer is in the best interests of the Government,
 - (ii) That the proposed recipient agrees not to sell the records as records or documents, and
 - (iii) That the transfer will be made without cost to the U.S. Government;
 - (5) A certification that:
 - (i) The records contain no information the disclosure of which is prohibited by law or contrary to the public interest, and/or
 - (ii) That records proposed for transfer to a person or commercial business are directly pertinent to the custody or operations of properties acquired from the Government, and/or

- (iii) That a foreign government desiring the records has an official interest in them.
- (c) NARA will consider such request and determine whether the donation is in the public interest. Upon approval NARA will notify the requesting agency in writing. If NARA determines such a proposed donation is contrary to the public interest, the request will be denied and the agency will be notified that the records must be destroyed in accordance with the appropriate disposal authority.

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