

	Hanscomb estimated cost ¹	NARA adjusted cost (15' shelving)
Current cost of base building	\$3,543,540	\$3,543,540
Added "NARA" Requirements	\$7,637,361 *	2,508,293
Added Govt.-Wide Requirements	*The \$388,700 government- wide requirement costs are incorporated in Added "NARA" Requirements.	180,000
Cost of building With NARA Req.	\$11,180,901	6,051,834
% Increase	216%	71%

¹ These numbers reflect the costs presented in the original submission from PRISM International. We have not adjusted Hanscomb's arithmetical errors here.

[FR Doc. 99-30973 Filed 12-1-99; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Parts 1220, 1222, and 1228

RIN 3095-AA86

Storage of Federal Records

AGENCY: National Archives and Records Administration.

ACTION: Final rule.

SUMMARY: NARA is amending its records management regulations governing records creation, maintenance, and disposition to update provisions relating to the storage of Federal records. Current regulations focus on the use of NARA records centers for off-site storage and provide procedures for securing NARA approval of agency records centers. However, in addition to records centers operated by NARA and other Federal agencies, some agencies now use commercial records storage facilities for the storage of their records. Among the changes is a new requirement that agencies maintain the same level of intellectual control over records stored in their own records centers and commercial records storage facilities, as is required for records stored in NARA records centers. As part of this requirement, agencies must report to NARA when permanent or unscheduled records are sent for storage to an agency records center or commercial storage facility. The revised regulations specify that agencies must store Federal records in space with appropriate environmental controls to ensure their preservation until the expiration of their retention period (for temporary records) or until the date of transfer to the National Archives of the United States (for permanent records).

EFFECTIVE DATE: January 3, 2000.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at 301-713-7360.

SUPPLEMENTARY INFORMATION: NARA published a notice of proposed

rulemaking on April 30, 1999, at 64 FR 23510. We considered all comments that were received through July 7, 1999, the closing date for comments on a related proposed rule, Agency Records Centers. We received comments from 7 Federal agencies, the Society of American Archivists, a commercial records center vendor, and a records management consultant. Following is a discussion of these comments and the changes that we made to the proposed rule.

Section 1220.18

One agency recommended that we modify § 1220.18 to allow agency-owner to inspect its records regardless of physical location (inspect in FRCs). The cited provision deals with NARA access to records for inspection for appraisal and evaluation purposes. The appropriate vehicle for the provision recommended by the agency is the contract with a commercial storage facility or the interagency agreement with NARA or another agency operating an agency records center.

Section 1228.50(a)(1)

One agency found the discussion of published schedules confusing. We have revised the paragraph to define what a published schedule contains before noting what is not included in the published schedule.

Sections 1222.50(c) and 1228.154(f)

Three agencies offered comments on § 1222.50(c). One agency asked that we clarify that agencies did not have to remove records from facilities if the noncompliance relates to a standard which must be phased in during the next 10 years, and we have done so. Two agencies stated that 6 months was not sufficient time to move records from noncompliant facilities. One of the agencies recommended allowing at least one year. The other agency, citing procurement lead times, recommended moving permanent records if the facility is not brought up to standards within 6 months and moving the remaining records within another year. We have changed the requirement to provide that

agencies must initiate removal of records from a noncompliant center within 6 months and complete removal within 18 months after initial discovery of the deficiencies. We have also modified § 1228.154(f) to conform with this change.

Section 1228.54

One agency asked that this section be modified to allow agencies to retain records needed under court order or agency imposed moratorium for longer than one year without NARA approval. Another agency questioned the need for NARA approval of requests for extension of retention periods for records stored in centers other than NARA's and objected to the requirement that agencies provide NARA with copies of formal instructions that extend retention periods. We have not changed this section. Agencies are reminded that 44 U.S.C. 3303a makes retention periods in approved agency records schedules mandatory unless the Archivist of the United States, under his authority in 44 U.S.C. 2909, permits the agency to retain the records longer upon submission of evidence of need.

Another agency recommended that this section address situations where NARA determines that records are no longer permanent but the custodial agency wants to keep them permanently or to donate them to a non-profit organization. Section 1228.60, which is not revised in this rule, does provide for donation of temporary records, which include those records previously appraised as permanent by NARA but subsequently found to be disposable.

Section 1228.152 Chart

The Office of the Secretary, Department of Defense (DOD) noted that NARA has determined that Official Military Personnel Files (OMPFs) are permanent records and stated that they should be included with other permanent records on the chart. A commercial records center vendor also recommended that OMPFs be permitted in any records storage facility. We have adopted DOD's comment. We caution

DOD agencies that they must follow DOD-wide policy in retiring their records to a records storage facility.

Section 1228.154(c)

Three agencies and the Society of American Archivists (SAA) offered comments on this section. One agency argued that the requirement to notify NARA when the agency sends permanent records for storage should be replaced by a requirement that agencies maintain the information on permanent records and supply it to NARA upon request. Another agency recommended that the requirement be changed to require agencies that were transferring records to an agency-owned records center to provide NARA only with summary information on an annual basis. A third agency recommended that the rule be modified to require that agencies report to NARA whenever permanent or unscheduled records are moved from an agency or commercial records center to which they were originally sent. The SAA endorsed the information that must be maintained on records sent to storage.

We have adopted only the third comment. The amount of information that agencies must furnish to NARA when transferring permanent or unscheduled records to records storage facilities is the same information agencies themselves must have to locate and access the records. It is important to keep that information up to date. We do not believe that submitting the information to NARA as the records are transferred is more burdensome than maintaining the information in a central location in the agency or compiling a summary report for NARA for records that are not transferred to a NARA center. For records transferred to a NARA center, the transfer paperwork will be used to comply with this requirement. The reporting requirements for permanent and unscheduled should be consistent throughout the Government. As permanent records are a very small percentage of all agency records, the reporting requirement should place a minimal burden on the agencies. Information on unscheduled records is required to assist NARA in inspecting the records as part of their appraisal.

Section 1228.156(b)

One agency pointed out a discrepancy between Section 1228.154(b) and this paragraph concerning the timing of submission of information on unscheduled records. The agency recommended that both sections be modified to permit an agency to submit schedules and provide the information

within 90 days after the records are transferred to a records storage facility. We have changed Section 1228.156(b) to conform with Section 1228.154(b). Section 1228.154 requires submission of a proposed schedule for the records and NARA confirmation that the schedule is accepted for processing before the records are moved to a records storage facility. We believe that this requirement provides an incentive for the agency to take the necessary steps to schedule the records. Moreover, if the SF 115 is missing information about the records that is necessary for NARA processing, the agency can locate it quickly.

Another agency objected to the requirement to submit information on permanent records sent to storage outside of NARA facilities, contending that this information could change over time and is not needed by NARA until the records are transferred 30 to 50 years later. We did not adopt this comment. As we note in our discussion of the comments on Section 1228.154, the information to be furnished to NARA on permanent records is the same level of information agencies themselves need to locate and access the records. The change we are making to Section 1228.154 will ensure that the information is kept up to date. We do not believe that submitting the information to NARA as the records are transferred is more burdensome than maintaining the information in the agency.

Sections 1228.160 and 1228.168(b)

One agency recommended that these sections be revised to authorize electronic submission of the SF 135 and SF 180 to NARA. At the present time, we do not have the capability to accept and process the electronic versions of these forms. The wording of the regulation will not prohibit electronic forms when we are able to accept them.

Section 1228.170

One agency recommended that we clarify that NARA will not destroy records in its own records centers without first receiving written concurrence from the agency. Since we have already instituted this procedure, we have adopted the comment.

Section 1228.272

DOD was concerned that this section would not permit the agency to control transfer of military personnel records at the level of the individual OMPF, which would adversely affect the finding aids to those records. This requirement was intended to ensure that permanent records stored by facilities that use bar

coding to control and track boxes will identify and ship permanent records as collections of records series, as required on the agencies' approved SF 115s. We will be working with DOD to incorporate the terms of transfer of the OMPFs in the SF 115, which will be a binding agreement on both agencies, and, if necessary, will be made an exception to this regulation.

One agency recommended that NARA provide agencies with a checklist of requirements to consider when establishing a contract for commercial facilities. This suggestion is outside the scope of the regulation but we plan to make the checklist of facility requirements that we use to inspect agency centers available as a tool for agencies to use.

Finally, we have made several nonsubstantive editorial changes, such as using active voice in several sentences and correcting a typographical error in the existing text of redesignated Section 1228.272.

This rule is contained in NARA's Regulatory Plan and is a significant regulatory action under Executive Order 12866 of September 30, 1993. As such, it has been reviewed by OMB. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on a substantial number of small entities. This rule is not a major rule as defined in 5 U.S.C. Chapter 8, Congressional Review of Agency Rulemaking.

List of Subjects in 36 CFR Parts 1220, 1222, and 1228

Archives and records.

For the reasons set forth in the preamble, NARA amends 36 CFR parts 1220, 1222, and 1228 as follows:

PART 1220—FEDERAL RECORDS; GENERAL

1. The authority citation for part 1220 continues to read as follows:

Authority: 44 U.S.C. 2104(a) and chs. 29 and 33.

2. In § 1220.14, revise the definitions of "Disposition", "Permanent record" and "Recordkeeping requirements"; and add new definitions in alphabetical order for "Commercial records storage facility", "Records center", and "Records storage facility" to read as follows:

§ 1220.14 General definitions.

* * * * *

Commercial records storage facility is a private sector commercial facility that offers records storage, retrieval, and disposition services.

* * * * *

Disposition means those actions taken regarding records no longer needed for the conduct of the regular current business of the agency.

* * * * *

Permanent record means any Federal record that has been determined by NARA to have sufficient value to warrant its preservation in the National Archives of the United States. Permanent records include all records accessioned by NARA into the National Archives of the United States and later increments of the same records, and those for which the disposition is permanent on SF 115s, Request for Records Disposition Authority, approved by NARA on or after May 14, 1973.

Recordkeeping requirements means all statements in statutes, regulations, and agency directives or authoritative issuances, that provide general and specific requirements for Federal agency personnel on particular records to be created and maintained by the agency.

* * * * *

Records center is defined in 44 U.S.C. 2901(6) as an establishment maintained and operated by the Archivist or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space.

* * * * *

Records storage facility is a records center or a commercial records storage facility, as defined in this section, i.e., a facility used by a Federal agency to store Federal records, whether that facility is operated and maintained by the agency, by NARA, by another Federal agency, or by a private commercial entity.

* * * * *

3. In § 1220.18, revise the section heading, designate the existing text as paragraph (b), and add new paragraph (a) to read as follows:

§ 1220.18 Inspection of records.

(a) In order for NARA to conduct inspections and studies required in 44 U.S.C. Chapter 29 and records appraisals in 44 U.S.C. Chapter 33, agencies must provide access for authorized NARA staff members to records in the agency's legal custody, regardless of the physical location of the records.

* * * * *

4. Revise § 1220.36 to read as follows:

§ 1220.36 Maintenance and use of records.

(a) Agencies must institute adequate records management controls over the maintenance and use of records

wherever they are located to ensure that all records, regardless of format or medium, are organized, classified, and described to promote their accessibility, and make them available for use by all appropriate agency staff for their authorized retention period. Agencies must also maintain permanent records in a format that will permit transfer to the National Archives of the United States.

(b) Agencies must ensure that they maintain adequate information about their records moved to an off-site records storage facility (see 36 CFR 1228.154). Agencies must also create and maintain records that document the destruction of temporary records and the transfer of permanent records to the National Archives of the United States. The disposition of records that provide such documentation is governed by General Records Schedule (GRS) 16.

(c) Agencies must also comply with GSA regulations on the maintenance and use of records found in 41 CFR part 101-11.

5. Revise § 1220.38 to read as follows:

§ 1220.38 Disposition of records.

(a) Agencies must ensure the proper, authorized disposition of their records, regardless of format or medium, so that permanent records are preserved and temporary records no longer of use to an agency are promptly deleted or disposed of in accordance with the approved records schedule when their required retention period expires. As an intermediate step when records are not needed for current day-to-day reference, they may be transferred to a records storage facility.

(b) Agencies must secure NARA approval of a records schedule or apply the appropriate General Records Schedule item before destroying any temporary records or transferring permanent records to the National Archives of the United States (see 36 CFR part 1228).

6. Revise § 1220.42 to read as follows:

§ 1220.42 Agency internal evaluations.

Each agency must periodically evaluate its records management programs relating to records creation and record keeping requirements, maintenance and use of records, and records disposition. These evaluations shall include periodic monitoring of staff determinations of the record status of documentary materials in all media, and implementation of these decisions. These evaluations should determine compliance with NARA regulations in this subchapter, including requirements for storage of agency records and records storage facilities in 36 CFR part

1228, subparts I and K, and assess the effectiveness of the agency's records management program.

PART 1222—CREATION AND MAINTENANCE OF FEDERAL RECORDS

7. The authority citation for part 1222 continues to read as follows:

Authority: 44 U.S.C. 2904, 3101, and 3102.

8. In § 1222.20, remove the period at the end of paragraphs (b)(5), (b)(8), and (b)(9), and add a semicolon in its place, and add paragraph (b)(10) to read as follows:

§ 1222.20 Agency responsibilities.

* * * * *

(b) * * *
(10) Ensure that records storage facilities used to store the agency's records comply with the standards specified in 36 CFR part 1228, subpart K. The agency must also comply with 36 CFR 1228.240 by obtaining NARA approval of an agency records center or submitting documentation of compliance by a commercial records storage facility before the agency transfers records to that facility.

9. In § 1222.50, revise the section heading and add paragraph (c) to read as follows:

§ 1222.50 Records maintenance and storage.

* * * * *

(c) Agencies must ensure that:
(1) Records in their legal custody sent for off-site storage are maintained in facilities that meet the standards specified in 36 CFR part 1228, subpart K;

(2) The information requirements specified in 36 CFR 1228.154 are met; and

(3) They remove their records from any records storage facility that does not correct nonconformances with the standards specified in 36 CFR part 1228, subpart K. (A facility is compliant if it does not have to meet the standard until a specific date in the future or compliance has been waived by NARA in accordance with 36 CFR 1228.238.) Agencies must initiate removal of the records from such a center within 6 months of initial discovery of the deficiencies by NARA or the agency and to complete removal of the records within 18 months after initial discovery of the deficiencies.

PART 1228—DISPOSITION OF FEDERAL RECORDS

10. The authority citation for part 1228 continues to read as follows:

Authority: 44 U.S.C. chs. 21, 29, and 33.

11. In § 1228.22, revise paragraph (d) to read as follows:

§ 1228.22 Developing records schedules.

* * * * *

(d) Based on agency need, develop specific recommended retention and disposition instructions for each records series or each part of an automated information system, including file breaks, retention periods for temporary records, transfer periods for permanent records, and instructions for the transfer of records to an approved records storage facility when appropriate.

* * * * *

12. In § 1228.24, revise paragraph (c)(2) to read as follows:

§ 1228.24 Formulation of agency records schedules.

* * * * *

(c) *Provisions of schedules.* * * *

(2) The removal to a records storage facility of records not eligible for immediate destruction or other disposition but which are no longer needed in office space. These records are maintained by the records storage facility until they are eligible for final disposition action;

* * * * *

13. In § 1228.32, add paragraph (c), to read as follows:

§ 1228.32 Request to change disposition authority.

* * * * *

(c) Agencies must secure NARA approval before changing the provision in a disposition instruction that specifies the period of time that permanent records will remain in agency legal custody prior to transfer to the National Archives of the United States.

14. In § 1228.50, revise paragraphs (a)(1) and (a)(3) to read as follows:

§ 1228.50 Application of schedules.

* * * * *

(a) * * *

(1) Published schedules contain disposition authorities granted by NARA for records that the agency continues to create. They include general instructions for transfer of records to a records storage facility, transfer of records to the National Archives of the United States, and other retention and disposition procedures. They do not include nonrecurring records for which NARA has granted authority for immediate disposal or transfer to the National Archives of the United States.

* * * * *

(3) Prior to issuance, agencies may consult with NARA concerning directives or other issuances containing approved schedules, instructions for use of NARA records centers, transfer of records to the National Archives of the United States, or other matters covered by NARA procedures or regulations.

* * * * *

15. In § 1228.54, revise paragraphs (a), (c)(4), and (e) and remove paragraphs (g) and (h) to read as follows:

§ 1228.54 Temporary extension of retention periods.

(a) Approved agency records schedules and the General Records Schedules are mandatory (44 U.S.C. 3303a). Records series or systems eligible for destruction must not be maintained longer without the prior written approval of the National Archives and Records Administration (NWML) except when:

(1) The agency has requested a change in the retention period for the records series or system in accordance with § 1228.32; or

(2) Records are needed for up to one year beyond the date they are eligible for disposal. When such records are in a records storage facility, the agency must notify the facility of the need for continued retention of the records.

* * * * *

(c) * * *

(4) A statement of the current and proposed physical location of the records.

* * * * *

(e) Agencies must ensure that affected records storage facilities are notified when NARA approves an extension of the retention period beyond the period authorized in the records control schedule. Agencies must forward to NARA (NWML) two copies of all formally issued instructions which extend the retention periods.

* * * * *

16. In § 1228.100, revise paragraph (a) to read as follows:

§ 1228.100 Responsibilities.

(a) The Archivist of the United States and heads of Federal agencies are responsible for preventing the alienation or unauthorized destruction of records, including all forms of mutilation. Records may not be removed from the legal custody of Federal agencies or destroyed without regard to the provisions of agency records schedules (SF 115 approved by NARA or the General Records issued by NARA).

* * * * *

17. Revise subpart I to read as follows:

Subpart I—Transfer of Records to Records Storage Facilities

Sec.

1228.150 Where can a Federal agency transfer records for storage?

1228.152 Under what conditions may Federal records be stored in records storage facilities?

1228.154 What requirements must an agency meet when it transfers records to a records storage facility?

1228.156 What procedures must an agency follow to transfer records to an agency records center or commercial records storage facility?

Subpart I—Transfer of Records to Records Storage Facilities

§ 1228.150 Where can a Federal agency transfer records for storage?

Federal agencies may store records in the following types of records storage facilities, so long as the facilities meet the facility standards in subpart K of this part. Records transferred to a records storage facility remain in the legal custody of the agency.

(a) NARA records centers. NARA owns or operates records centers for the storage, processing, and servicing of records for Federal agencies under the authority of 44 U.S.C. 2907. These NARA records centers include a National Personnel Records Center which contains designated records of the Department of Defense and the Office of Personnel Management and other designated records pertaining to former Federal civilian employees. A list of NARA records centers is available from the NARA web site at <http://www.nara.gov> and also in the U.S. Government Manual, which is for sale from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, DC 20402–9328, and is available on the Internet from <http://www.access.gpo.gov/nara>.

(b) Records centers operated by or on behalf of one or more Federal agencies other than NARA.

(c) Commercial records storage facilities operated by private entities.

§ 1228.152 Under what conditions may Federal records be stored in records storage facilities?

The following chart shows what records can be stored in a records storage facility and the conditions that apply:

Type of Record	Conditions
(1) Permanent records	(i) Any storage facility that meets the provisions of subpart K of this part.
(2) Unscheduled records	(i) Any storage facility that meets the provisions of subpart K of this part. (ii) Also requires submission of SF 115 and its acceptance from NARA under the provisions of subpart B of this part.
(3) Temporary records (excluding Civilian Personnel Records)	(i) Any storage facility that meets the provisions of subpart K of this part.
(4) Vital records	(i) Storage facility must meet the provisions of subpart K of this part and 36 CFR part 1236.
(5) Civilian Personnel Records	(i) May only be transferred to NPRC, St. Louis as required by this part.

§ 1228.154 What requirements must an agency meet when it transfers records to a records storage facility?

An agency must meet the following requirements when it transfers records to a records storage facility:

(a) Ensure that the requirements of subpart K of this part are met. Special attention must be paid to ensuring appropriate storage conditions for records on non-paper based media (e.g., film, audio tape, magnetic tape), especially those that are scheduled for long-term or permanent retention, as those records typically require more stringent environmental controls (see 36 CFR parts 1230 through 1234).

(b) To transfer unscheduled records, submit an SF 115 to NARA (NWML) prior to the transfer. The agency may transfer the records only after NARA has determined that the SF 115 meets the requirements specified in this part.

(c) Create documentation sufficient to identify and locate files.

(1) Such documentation must include for each individual records series spanning one or more consecutive years transferred to storage:

- (i) Creating office;
- (ii) Series title;
- (iii) Description (in the case of permanent or unscheduled records, the description must include a folder title list of the box contents or equivalent detailed records description);
- (iv) Date span;
- (v) Physical form and medium of records (e.g., paper, motion picture film, sound recordings, photographs or digital images);
- (vi) Volume;
- (vii) Citation to NARA-approved schedule or agency records disposition manual (unscheduled records must cite the date the SF 115 was submitted to NARA);
- (viii) Restrictions on access if applicable;

(ix) Disposition (“permanent,” “temporary,” or “unscheduled; SF 115 pending”);

(x) Date of disposition action (transfer to the National Archives of the United States or destruction);

(xi) Physical location, including name and address of facility; and

(xii) Control number or identifier used to track records.

(2) In the case of permanent and unscheduled records, provide copies of such documentation to NARA and advise NARA in writing of the new location whenever the records are moved to a new storage facility.

(d) Ensure that NARA-approved retention periods are implemented properly and that records documenting final disposition actions (destruction or transfer to the National Archives of the United States) are created and maintained as required by 36 CFR 1220.36.

(1) Retain temporary records until the expiration of their NARA-approved retention period and no longer, except as provided for in § 1228.54.

(2) Transfer permanent records to the National Archives of the United States in accordance with § 1228.260.

(e) Provide access to appropriate NARA staff to records wherever they are located in order to conduct an evaluation in accordance with 36 CFR 1220.50 or to process a request for records disposition authority.

(f) Move temporary records that are subsequently reappraised as permanent to a facility that meets the environmental control requirements for permanent records in § 1228.232 within one year of their re-appraisal, if not already in such a facility. (Paper-based permanent records in an existing records storage facility that does not meet the environmental control requirements in § 1228.232(b) on

October 1, 2009, must be moved from that facility no later than February 28, 2010.)

§ 1228.156 What procedures must an agency follow to transfer records to an agency records center or commercial records storage facility?

Federal agencies must use the following procedures to transfer records to an agency records center or commercial records storage facility:

(a) Agreements with agency records centers or contracts with commercial records storage facilities must incorporate the standards in subpart K of this part and allow for inspections by the agency and NARA to ensure compliance. An agency must remove records promptly from a facility if deficiencies identified during an inspection are not corrected within six months.

(b) For temporary records, the agency must make available to NARA on request the documentation specified in § 1228.154. For permanent records, the agency must transmit this documentation to NARA (NWML) no later than 30 days after records are transferred to the agency records center or commercial records storage facility. For unscheduled records, the agency must transmit the information to NWML with the SF 115 before the records are transferred as required by § 1228.154(b).

(c) Agencies must establish procedures that ensure that temporary records are destroyed in accordance with NARA-approved schedules and that NARA-approved changes to schedules, including the General Records Schedules, are applied to records in agency records centers or commercial records storage facilities in a timely fashion. Procedures must include a requirement that the agency records center or commercial records storage facility notify agency records

managers or the creating office prior to the disposal of temporary records unless disposal of temporary records is initiated by the agency.

(d) Agencies must establish procedures to ensure that the agency records centers or commercial records storage facilities transfer permanent records to the National Archives of the United States as individual series spanning one or more years and in accordance with the provisions of § 1228.272.

(e) Agencies must ensure that records that are restricted because they are security classified or exempt from disclosure by statute, including the Privacy Act (5 U.S.C. 552a), or regulation are stored and maintained in accordance with applicable laws, executive orders, or regulations.

(f) Agencies must ensure that disposable records, including restricted records (security classified or exempted from disclosure by statute, including the Privacy Act, or regulation), are destroyed in accordance with the requirements specified in § 1228.58.

(g) Agencies must ensure that emergency operating vital records, as defined in 36 CFR 1236.14, that are transferred to an agency records center or commercial records storage facility are available in accordance with 36 CFR part 1236.

18. Redesignate subpart J of part 1228 as subpart L of part 1228 as set forth in the following redesignation table:

Old Section Subpart J	New Section Subpart L
1228.180	1228.260
1228.182	1228.262
1228.183	1228.264
1228.184	1228.266
1228.186	1228.268
1228.188	1228.270
1228.190	1228.272
1228.192	1228.274
1228.194	1228.276
1228.196	1228.278
1228.198	1228.280
1228.200	1228.282

19. Add a new subpart J to read as follows:

Subpart J—Transfer, Use, and Disposition of Records in a NARA Records Center

Sec.

- 1228.160 How does an agency transfer records to a NARA records center?
- 1228.162 How does an agency transfer vital records to a NARA records center?
- 1228.164 What records must be transferred to the National Personnel Records Center (NPRC)?
- 1228.166 How does an agency transfer records to the National Personnel Records Center (NPRC)?

1228.168 How can records be used in NARA records centers?

1228.170 How are disposal clearances managed for records in NARA records centers?

Subpart J—Transfer, Use, and Disposition of Records in a NARA Records Center

§ 1228.160 How does an agency transfer records to a NARA records center?

An agency transfers records to a NARA records center using the following procedures:

(a) General. NARA will ensure that its records centers meet the facilities standards in subpart K of this part, which meets the agency's obligation in § 1228.154(a).

(b) NARA records centers will not accept records that pose a threat to other records or to the health and safety of users including hazardous materials such as nitrate film, radioactive or chemically contaminated records, records exhibiting active mold growth, or untreated insect or rodent infiltrated records. Agencies may contact the NARA records center for technical advice on treating such records.

(c) Agencies may use any NARA records center (see § 1228.154(a)) if space is available for the storage of unclassified records. All NARA facilities are equipped to store classified records that have a national security classification up to Confidential, and certain NARA facilities can also accept Secret (or "Q") classified records. Only the Washington National Records Center is equipped to store records that have been assigned a national security classification of Top Secret, as defined in Executive Order 12958 (3 CFR, 1995 Comp., p. 333) and predecessor orders. For storage of restricted records requiring vault storage (regardless of the level of classification), agencies must contact the records center(s) they wish to use to find out if the center(s) can properly store the records.

(d) Transfers to NARA records centers must be preceded by the submission of a Standard Form 135, Records Transmittal and Receipt. Preparation and submission of this form will meet the requirements for records description provided in § 1228.154(c), except the folder title list required for permanent and unscheduled records. A folder title list is also required for records that are scheduled for sampling or selection after transfer.

(e) A separate SF 135 is required for each individual records series having the same disposition authority and disposition date.

(f) For further guidance on transfer of records to a NARA records center,

consult the NARA Records Management Web Site (<http://www.nara.gov>), or current NARA publications and bulletins by contacting the Office of Regional Records Services (NR), individual NARA regional facilities, or the Washington National Records Center (NWMW).

§ 1228.162 How does an agency transfer vital records to a NARA records center?

For assistance on selecting an appropriate site among NARA facilities for storage of vital records, agencies may contact NARA (NR), 8601 Adelphi Rd., College Park, MD 20740-6001. The actual transfers are governed by the general requirements and procedures in this subpart and 36 CFR part 1236.

§ 1228.164 What records must be transferred to the National Personnel Records Center (NPRC)?

General Records Schedules 1 and 2 specify that certain Federal civilian personnel, medical, and pay records must be centrally stored at the National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118. An agency must transfer the following four types of records to the NPRC:

- Official personnel folders of separated Federal civilian employees;
- Service record cards of employees who separated or transferred on or before December 31, 1947;
- Audited individual earnings and pay cards and comprehensive payrolls; and
- Employee medical folders of separated Federal civilian employees.

§ 1228.166 How does an agency transfer records to the National Personnel Records Center (NPRC)?

(a) Agencies must use the following procedures when transferring records to the NPRC:

(1) Forward the official personnel folder (OPF) and the employee medical folder (EMF) to the National Personnel Records Center at the same time.

(2) Transfer EMFs and OPFs in separate folders.

(b) For further guidance consult the NPRC web site (<http://www.nara.gov/regional/cpr.html>).

(c) Consult the Office of Personnel Management web site (<http://www.opm.gov/feddata/html/opf.htm>) for the OPM publication The Guide to Personnel Recordkeeping for procedures on the transfer of OPFs and EMFs. (The Guide is also available from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop: SSOP, Washington, DC 20402-9328.)

§ 1228.168 How can records be used in NARA records centers?

(a) Agency records transferred to a NARA records center remain in the legal custody of the agency. NARA acts as the agency's agent in maintaining the records. NARA will not disclose the record except to the agency which maintains the record, or under rules established by that agency which are not inconsistent with existing laws.

(b) Federal agencies must use Standard Form (SF) 180, Request Pertaining to Military Records, to obtain information from military service records in the National Personnel Records Center (Military Personnel Records). Agencies may furnish copies of that form to the public to aid in inquiries. Members of the public and non-governmental organizations also may obtain copies of SF 180 by submitting a written request to the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132. OMB Control Number 3095-0029 has been assigned to the SF 180.

(c) Use Standard Form 127, Request for Official Personnel Folder (Separated Employee), to request transmission of personnel folders of separated employees stored at the National Personnel Records Center.

(d) Use Standard Form 184, Request for Employee Medical Folder (Separated Employee), to request medical folders stored at the National Personnel Records Center.

(e) Use Optional Form 11, Reference Request—Federal Records Center to request medical records transferred to other NARA records centers prior to September 1, 1984. The request must include the name and address of the agency's designated medical records manager.

(f) For any other requests, use the Optional Form 11, Reference Request—Federal Records Centers, a form jointly designated by that agency and NARA, or their electronic equivalents.

§ 1228.170 How are disposal clearances managed for records in NARA records centers?

(a) The National Personnel Records Center will destroy records covered by General Records Schedules 1 and 2 in accordance with those schedules without further agency clearance.

(b) NARA records centers will destroy other eligible Federal records only with the written concurrence of the agency having legal custody of the records.

(c) NARA records centers will maintain documentation on the final disposition of records, as required in 36 CFR 1220.36, for the period of time required by General Records Schedule 16.

(d) When NARA approves an extension of retention period beyond the time authorized in the records schedule for records stored in NARA records centers, NARA will notify those affected records centers to suspend disposal of the records (see § 1228.54(e)).

20. In newly redesignated subpart L, revise the subpart heading to read as follows:

Subpart L—Transfer of Records to the National Archives of the United States

21. In newly redesignated § 1228.272, remove the term “(MWMD)” in paragraphs (b)(2) and (c) and add “(NWMD)” in its place, and revise the section heading and paragraph (a) to read as follows:

§ 1228.272 Transfer of records to the National Archives of the United States.

(a) *Policy.* (1) Federal records will be transferred to NARA's legal custody into the National Archives of the United States only if they are listed as permanent on an SF 115, Request for Records Disposition Authority, approved by NARA since May 14, 1973, or if they are accretions (continuations of series already accessioned) to holdings of the National Archives. Transfers are initiated by submission of an SF 258, Agreement to Transfer Records to the National Archives of the United States.

(2) Each SF 258 must relate to a specific records series, as identified on the SF 115, Request for Records Disposition Authority, in accumulations of one or more consecutive years.

* * * * *

Dated: November 22, 1999.

John W. Carlin,

Archivist of the United States.

[FR Doc. 99-30838 Filed 12-1-99; 8:45 am]

BILLING CODE 7515-01-P