

November 8, 1996

NOTE TO: DWM Managers and Supervisors

FROM: Michael Weber, DWM/LLDP

SUBJECT: DOCUMENTATION AND RECORDKEEPING REQUIREMENTS THAT APPLY TO OUR 'JRK

Several weeks ago, Margaret Jaderline asked me to take the lead in summarizing documentation and recordkeeping requirements that apply to work within the Division of Waste Management. The requirements include regulations and procedures imposed by the National Archives and Records Administration, the General Accounting Office, NRC Management Directives, and DWM Policy. They apply to both hardcopy and other media, especially electronic mail messages. It is important that we understand and implement these requirements to preserve an auditable record for our decisions and to comply with the law.

Cecilia Villarreal has prepared the attached summary of the documentation and recordkeeping requirements. Cecilia coordinated development of the summary with NMSS/PMDA and the Office of Administration. It should be useful to you as a clear and concise refresher on documentation and recordkeeping requirements. In addition, it saves you hours of reading through more detailed regulations and procedures. For your convenience, it also includes references to the primary regulations and procedures in the event you desire a more thorough review of the requirements.

After reviewing the summary, I suggest that you share this with your staff for their information and use. If there is sufficient interest, we could arrange one or more staff meetings to review the requirements for documentation and recordkeeping.

Attachment: Summary

cc: DWM Secretaries Jennifer Davis  
DISTRIBUTION: Central File LLDP r/f

John Hickey  
NMSS r/f

Sally Cornell  
PUBLIC

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 8, 1996

NOTE TO: DWM Managers and Supervisors  
FROM: Michael Weber, DWM/LLDP *Michael F. Weber*  
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THAT APPLY TO OUR WORK

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cc: DWM Secretaries  
John Hickey  
Jennifer Davis  
Sally Cornell

CONTACT: Cecilia Villarreal, NMSS/DWM/LLDP  
415-7234

SUMMARY OF NRC RECORDS DISPOSITION ON RETENTION  
OF DRAFTS AND WORKING PAPERS, E-MAIL COMMUNICATIONS,  
TIME AND ATTENDANCE FILES, AND TELEPHONE CALLS

● Records Status of Drafts and Working Papers

National Archives and Records Administration (NARA) regulations require that working files, such as preliminary drafts and rough notes used to develop or support an official record must be retained for adequate and proper documentation if both of the following 2 conditions are met:

- 1) They were circulated or made available to employees, other than the creator, for official purpose such as approval, comment, action, etc.; and
- 2) They contain unique information, such as substantive annotations or comments that add to a proper understanding of the agency's formulation and execution of basic policies, decisions, actions, or responsibilities.

The goal is to properly document the actions and decisions of the agency.

Retain those drafts with comments or ideas that are vital to the understanding of the final document but were not included in the final.

Drafts are to be filed with the final record that they support. DO NOT SET UP A SPECIAL FILE FOR ALL DRAFTS. See Management Directive 3.53 Part I, Page 8.

● Record Status of Electronic Mail

The NARA regulations require that:

- a. NRC staff review each incoming and outgoing e-mail message to determine if it is a Federal record by using the same criteria used for information created or received on any other media. If he/she conducts business using e-mail, he/she generally creates e-mail records.
- b. E-mail messages and attachments that are records must be maintained in a recordkeeping system that groups related records together.

Recordkeeping systems that include e-mail messages must have the following:

- a. capability to group related records into classifications according to the nature of the business;
- b. capability to permit easy and timely retrieval of records;
- c. capability to store in a usable format for their required retention period; and

- d. accessibility by individuals who have a business need for information contained in the system.

E-mail communications are Federal records when they meet both of the following conditions:

- a. They are created or received by an NRC employee to transact official agency business; and
- b. They are preserved, or, are appropriate for preservation, as evidence of the agency's organization and activities, or because of the value of the information they contain.

Communication types that are considered Federal records and require preservation:

- communications that relate to programs, policies, organizations, decisions, decision making, minutes, or agendas;
- messages that contain unique information that explains why the agency made a decision or took action;
- messages that direct one to take action or that one uses to direct another to act;
- drafts of records (e.g., SECY papers) circulated via e-mail for approval, action, etc., or action that are significantly changed in the final version;
- information generated or acquired by the NRC via e-mail pertaining to an inspection of a licensee's facility that contains unique information such as the rationale for an NRC decision, or guidance that is not documented in the official record.

The communications types that are **not** considered Federal records and do not require preservation:

- a. communications that provide little or no evidence of agency activities;
- b. communications that have no documentary value; and
- c. insignificant communications that are facilitative in nature; e.g. casual inquiries about the status of an activity, requests for routine information, transmittals that forward documented information but do not require action; replies to an e-mail inquiry about information that is documented in the official files.

For additional guidance on electronic records and examples of record and nonrecord electronic material, including e-mail communications and Preserving E-Mail Records, consult NRC Management Directive 3.53, NRC

Records Management Program, Part IX, Procedures for Creating, Maintaining, Using, and Disposing of Electronic Records.

E-mail messages that are not official records should be deleted when no longer needed. These may be subject to requests under the Freedom of Information Act and litigation and court orders. When this occurs the messages must be preserved until no longer needed for such purposes.

● Time and Attendance Files

T&A clerks are responsible for retaining the Time and Attendance source information; e.g., T&A electronic reports; time or sign-in sheets; flexitime records; leave applications for jury duty and military duty and other types of leave; authorized premium pay or overtime, upon which leave input data is based. The General Records Schedule of the National Archives and Records Service requires that these records be kept for six years or until a GAO audit occurs, whichever is sooner. To ensure that proper retirement and retention of these records occurs, each Primary T&A clerk must prepare NRC-306 (Files Maintenance and Disposition Plan) for these records. The records do not have to be kept in the office space for the entire six years. They can be boxed and sent to records holding in two-year increments. If the records become too voluminous for you to retain, contact Sally Cornell at 415-8045.

For information on Records and Authorized Disposition, consult NUREG-0910.

● Use and Documentation of Phone Calls

The purpose of the documentation of phone calls is to register significant information obtained or provided, and to communicate it promptly.

Telephone calls can be used to enhance the efficiency of the regulatory process by acquiring information from, or providing information to, licensees, States, members of the public, or other interested parties. However, if information collected or provided during telephone calls is to be used to resolve substantive matters related to protection of the public or the environment, proper documentation is essential to preserve and communicate the information and establish a defensible record for NRC's decisions.

Telephone calls should not be used to resolve licensing or other regulatory issues that can best be discussed and resolved in open meetings or via correspondence. NRC licensees are required to report by telephone certain events and emergencies to NRC through the NRC Operations Center (cf. 10 CFR 20.2201).

For more information on Use and Documentation of Phone Calls, see Interim Policy On Use And Documentation Of Telephone Calls (DWM POLICY 3). Memorandum to DWM staff from M. Federline dtd 3/29/96.



## PRIVACY ACT STATEMENT

Pursuant TO 5 U.S.C. 552a(e)(3), enacted into law by Section 3 of the Privacy Act of 1974 (Public Law 93-579), the following statement is furnished to individuals who supply information to the U.S. Nuclear Regulatory Commission on NRC Forms 64, 64A, and 64B. This information is maintained in a system of records designated as NRC-20 and described at 58 *Federal Register* 36468 (July 7, 1993), or the most recent *Federal Register* publication of the Nuclear Regulatory Commission's "Republication of Systems of Records Notices" that is available at the NRC Public Document Room, Gelman Building, Lower Level, 2120 L Street NW, Washington, DC.

1. **AUTHORITY:** 5 U.S.C. 5701; 31 U.S.C. 716, 1104, 1108, 3511, 3512, 3701, 3711, 3717, 3718 (1988); Federal Travel Regulations, 41 CFR Parts 301-304; and Federal Property Management Regulations, 41 CFR Part 101-71. The authority for soliciting the social security number is Executive Order 9397, dated November 22, 1943.
2. **PRINCIPAL PURPOSE(S):** The information is used to make reimbursement claims for approved and authorized travel expenses, per diem, and other change of station expenses.
3. **ROUTINE USE(S):** The information is used for transmittal to the U.S. Treasury to secure payment. The information may also be disclosed to an appropriate Federal, State, local, or Foreign agency in the event the information indicates a violation or potential violation of law and in the course of an administrative or judicial proceeding. In addition, this information may be transferred to an appropriate Federal, State, local, or Foreign agency to the extent relevant and necessary for an NRC decision about you or to the extent relevant and necessary for that agency's decision about you. Information from this form may also be disclosed, in the course of discovery under a protective order issued by a court of competent jurisdiction, and in presenting evidence, to a Congressional office to respond to their inquiry made at your request, or to NRC-paid experts, consultants, and others under contract with the NRC, on a need-to-know basis.
4. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL OF NOT PROVIDING INFORMATION:** Disclosure is mandatory. If the requested information is not provided, reimbursement may be denied. Failure to provide the social security number may result in delayed processing. The use of the security number is made necessary because of the large number of present and former Federal employees and applicants who have identical names and birth dates, and whose identities can only be distinguished by use of a social security number.
5. **SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Travel Management Branch  
Division of Accounting and Finance  
Office of the Controller  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001