Managing Legacy Records and Information – 10420

Jeanie Gueretta*, Cliff Anglim**, Gordon Weaver**
*U.S. Department of Energy Office of Legacy Management
** Source One Management, Inc.

ABSTRACT

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is responsible for managing post-closure activities at sites where DOE's mission and environmental cleanup are completed and for ensuring the future protection of human health and the environment at those sites. As mission-closure sites are identified, remediated, and transferred to LM, associated site records and information are transferred as well. In support of managing legacy sites, one of LM's primary goals is to preserve, protect, and make accessible legacy records and information.

Proper records and information management is crucial for LM to properly administer and execute environmental stewardship responsibilities. Transferred records contain information on site operations and cleanup processes. The records also contain data on compliance with regulatory requirements, assuring regulators that these sites do not pose unacceptable risks to human health or the environment. To date, LM has successfully transferred records and information from more than 80 sites.

INTRODUCTION

The U.S. Department of Energy (DOE) is committed to managing its responsibilities associated with the legacy of World War II and the Cold War. This legacy includes radioactive and chemical waste, environmental contamination, and hazardous material at more than 100 sites across the country. DOE has taken major steps toward fulfilling commitments to clean up this environmental legacy by successfully implementing an accelerated environmental remediation program. To effectively manage remaining legacy responsibilities and to fulfill commitments to our former contractor work force, DOE established the Office of Legacy Management (LM).

LM was formally established as a new DOE element on December 15, 2003. LM is responsible for ensuring that DOE's post-closure responsibilities are met and for providing long-term surveillance and maintenance, records management, work force restructuring and benefits continuity, property management, land use planning, and community assistance.

LM performs post-closure responsibilities at sites where DOE's mission and environmental cleanup are completed, and the remaining responsibility is to ensure the future protection of human health and the environment. As mission-closure sites are identified, remediated, and transferred to LM, associated site records and information are also transferred. In support of managing legacy sites, one of LM's primary goals is to preserve, protect, and make accessible legacy records and information.

Proper records and information management is crucial for LM to properly administer and execute environmental stewardship responsibilities. Transferred records contain information on site operations, cleanup processes, and compliance with regulatory requirements. The compliance records provide documentation to regulators that these sites do not pose unacceptable risks to human health or the environment. To date, LM has successfully transferred records and information for more than 80 sites, comprising tens of thousands of cubic feet of physical records and a significant volume of electronic information.

Specific types of records that LM manages include:

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, or Superfund) records
- Resource Conservation and Recovery Act of 1976 (RCRA) records
- Remediation management records
- Waste management records
- Environmental monitoring records
- Air monitoring records
- Well monitoring records
- Underground storage tank records
- Waste minimization/pollution prevention records
- Waste/chemical inventory records
- National Emission Standards for Hazardous Air Pollutants (NESHAP) records
- Various types of administrative records (such as contracts, financial, employee, training)

The records consist mainly of paper but also include special media such as microfilm, negatives, photographs, x-rays, and audiovisual material. LM receives hundreds of records requests every year, and the records collections provide information to respond to Freedom of Information Act (FOIA) and Privacy Act requests, Energy Employees Occupational Illness Compensation Program Act (EEOICPA) claims, congressional inquiries, litigation requests, and other records requests.

LM has stored inactive records at National Archives and Records Administration (NARA) regional Federal Records Centers in California, Colorado, Florida, Kansas, and Ohio. To promote greater efficiency in managing LM's records, starting in 2010 all of LM's inactive record holdings will be transferred to a new LM Business Center located in Morgantown, West Virginia.

The LM Business Center will have the capacity to store approximately 150,000 cubic feet of records and will meet NARA requirements for records storage. LM is also in the process of obtaining Leadership in Energy and Environmental Design (LEED) Gold certification for commercial interiors and Gold for core/shell levels. LEED is a rating system that is a nationally accepted benchmark for the design, construction, and operation of green buildings. Construction of this facility also supports Environmental Management System new building sustainability values.

SITE CLOSURE AND RECORDS TRANSFER

LM is an integral part of DOE's strategy to ensure that legacy liabilities of former nuclear weapons production sites are properly managed following the completion of environmental cleanup activities. LM works with each identified site using an integrated team approach to ensure a successful transition. Part of this process includes the transition of government records and information.

To provide a foundation for the records transition process, LM has developed *Office of Legacy Management Information and Records Management Transition Guidance*. The guidance establishes a framework for the transfer of records management responsibilities for sites transferring to LM. It describes the requirements, responsibilities, and procedures for the efficient and cost-effective transfer of custody, ownership, and management of records and other information products from the transfer site to LM. As of September 2009, LM had responsibility for 85 sites in 28 states and Puerto Rico and was managing over 95,000 cubic feet of records and 6 terabytes of electronic information. This includes major DOE sites that were formerly part of the nuclear weapons complex, such as the Rocky Flats Site in Colorado, the Fernald Site in Ohio, and the Pinellas Site in Florida.

Site Transfer Process

To facilitate the transparent shift in the management of site records, LM and the transfer site complete an integrated site transition plan that includes all transition elements for information and records. As part of the overall site transition plan, an Information and Records Transition Plan is developed to provide a systematic approach to identification and transfer of records and information. The plan assists both LM and the transfer site to organize tasks; establish timetables and milestones for completion; and identify records volumes, media, finding aids, and requirements needed to complete the ownership transfer. In addition, the plan documents institutional knowledge and assists LM in meeting its obligations of responsibly managing legacy records.

Records management concerns that occur during site closure include management support, availability of site closure personnel due to downsizing and attrition, contract language and agreements, interactions with the DOE Office of the Chief Information Officer, NARA resource and budget considerations, and procedures to safeguard records. LM also provides guidelines and criteria for records management transition. These include LM expectations for the inventory, scheduling, and disposition of records; the management and transfer of electronic files, including databases and software; records finding aids, indexes, and recordkeeping systems; and the process for the transfer of hard copy and electronic records to LM.

Partnership

Coordination and interaction between the organization transferring a site and LM supports effective records and information transfers and provides the opportunity to identify and resolve issues. Mutual agreement between LM and the transfer site on principles and responsibilities is essential to the successful transition of records and information responsibilities. Critical areas include ongoing records management activities at the time of closure, such as medical studies, FOIA requests, EEOICPA requests, management of litigation records, sharing of institutional knowledge, and continuing access to records.

Joint responsibilities for transfer sites include:

- Identification of records and information points-of-contact to participate in the site transition team to coordinate the transition of information and records.
- Transition team members working together to ensure that the transition of records from the transfer site to LM is consistent with federal and DOE guidelines and the LM Information and Records Management Transition Guidance document developed by LM.
- Availability of sufficient resources to allow LM to gain a level of familiarity with the institutional framework of transfer site records and information. Adequate staffing facilitates the orderly transfer and receipt of closure site records and systems and ensures efficient and timely responses to records and information requests.
- Development and maintenance of a schedule with milestones that identifies information and records activities that need to be accomplished to support site transition and transfer.
- Establishment of agreements and notifications that are required to support the transition and transfer of records management responsibilities to LM (e.g., NARA custodial transfer).
- Communication between LM and the organization transferring the site of significant issues, contracts, grants, cooperative agreements, and announcements or solicitations relating to records management and information activities.

Records Identification and Disposition

LM provides guidance on the types of records and records management activities necessary for a smooth transfer of records responsibilities from the transfer site to LM. Non-records materials that are government-owned informational materials and excluded from the legal definition of records or do not meet the requirements of that definition are excluded from records transfer activities.

To ensure that the transfer site identifies and addresses all records to be transferred to LM, the transfer site reviews documents such as its Work Breakdown Structure, annual work plans, program and project summaries, past records inventories, current and archived file plans, and indexes to record collections. This review is important, because recordkeeping policies and practices may have changed over time and may vary between site contractors and subcontractors.

The transfer site provides an up-to-date inventory of its records holdings. As part of the inventory process, a complete DOE Records Inventory and Disposition Schedule is requested for the records. This process requires that the records inventories adhere to NARA-approved schedules for records disposition.

Electronic records created using various types of computer systems, such as personal computers, distributed network environments, mainframe data processing environments, spatial data systems, or other multimedia systems are included in the transfer process. Electronic records can be stored on different types of physical storage media, such as hard disks, floppy diskettes, audiotapes, videotapes, digital phones, CD-ROMs, optical disks, magnetic optical disks, Bernoulli disks, zip disks, and digital video disks (DVDs). The transfer site identifies official electronic records and their proposed disposition. Official electronic records on systems or on physical storage media are dispositioned according to approved retention schedules. Upon facility shutdown, the systems, along with the information they contained, are archived in a retrievable and usable format. The transfer site provides LM with an inventory of its electronic systems and other databases that support long-term surveillance and maintenance. LM, in conjunction with the site, develops the necessary data interfaces to enable data migration from the identified site systems to LM's electronic recordkeeping system or data center for preservation and retention.

LM does not accept ownership or custody of records that are not appropriately inventoried, scheduled, and dispositioned by the transfer site. Temporary or permanent records on physical media transferred from the transfer site to LM require a records inventory for each box and completed records transmittal and receipt forms. If the transfer site elects to accession permanent records directly to NARA, a completed transfer form to the National Archives is required. Federal records in the possession of the transfer site contractors and the agency are transferred to an LM-preferred storage location; in most cases the storage location specified is a regional Federal Records Center.

Finding Aids

In conjunction with LM taking custody of records, documentation and information associated with the records, such as records transmittal forms, indexes, and finding aids are also transferred. Finding aids are necessary tools for records retrieval and request-fulfillment activities.

A finding aid is a manual or electronic tool used to identify the physical location. Basic finding aids include record descriptions, inventory lists (series/shelf/box/folder), and indexes. Other finding aids include tools developed to assist users in locating groups of record series that have a common subject, origin, or other characteristic.

Many of the finding aids collected from the transfer sites exist in electronic format or database systems and are preserved in the LM electronic recordkeeping system. Finding aids are records that must be preserved and retained for the life of a record or collection.

CLOSURE SITE RECORDS MANAGEMENT AND REQUEST FULFILLMENT

Types of Records Requests

LM receives many requests for information (see Fig. 1). The closure site records collections provide the information necessary to respond to FOIA, Privacy Act, and EEOICPA requests; congressional inquiries; litigation requests; and other records requests.

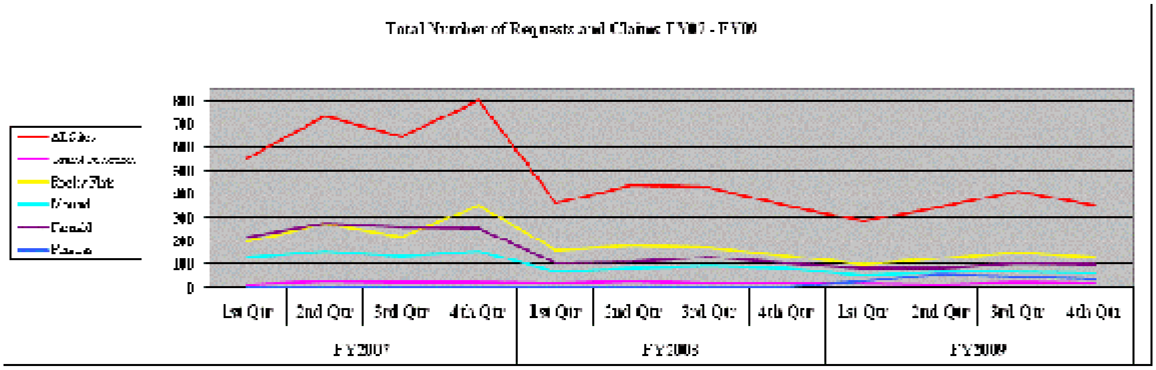

Fig. 1. Total number of records requests (fiscal years 2007–2009).

Many requests for records are received each year. In 2007, LM responded to more than 2,700 records requests, about 1,600 requests in 2008, and close to 1,400 requests in 2009. Requests are received from many sources, including the public; other federal agencies; state, local, and tribal entities; lawyers; businesses; and internally from other DOE organizations. Records requests are for various types of information such as environmental reports, information on environmental cleanup activities performed at DOE sites, administrative information, and employee information. Requests are received through FOIA and Privacy Act submittals and through direct requests from other federal agencies, such as the Department of Justice for litigation requests and the Department of Labor and the National Institute for Occupational Safety and Health for EEOICPA requests.

The majority of requests that LM receives are for information related to EEOICPA. That act established a compensation program for eligible DOE nuclear weapons workers (including employees, former employees, contractors, subcontractors, and vendors) suffering from illnesses resulting from exposure to radiation, beryllium, or silica. LM supports this program by providing records related to workers and historical DOE facility operations to the Department of Labor and the National Institute for Occupational Safety and Health to substantiate applicant claims. LM is committed to honoring former workers who have supported the nation's nuclear weapons program and places a high priority on processing EEOICPA requests ahead of required time frames. In fiscal year 2009, LM responded to more than 900 requests for EEOICPA-related records.

One of LM's primary goals is to preserve, protect, and make accessible records to the public. By law, LM is required to preserve and protect DOE records and to respond to records requests from the public. The two main authorities that govern access by the public to federal government information are FOIA and the Privacy Act.

FOIA was enacted in 1966 and codified at Title 5 *United States Code* (USC) Section 552. FOIA establishes the premise that any person has a right of access to federal agency records and that those records must be made available to the public unless they are specifically exempt from public release. FOIA includes nine exemptions that allow certain information to be withheld from public release. The Electronic Freedom of Information Act Amendments of 1996 (E-FOIA) requires agencies to make records available both electronically and through public reading rooms.

The Privacy Act was enacted in 1974 and codified at 5 USC 552a. It provides safeguards against unwarranted invasions of privacy through the misuse of records by federal agencies. The act restricts disclosure of personally identifiable records maintained by agencies; grants individuals increased rights of access to any information maintained about them in a "system of records"; grants individuals the right to seek amendment of records maintained about them upon identification of inaccuracies; and establishes a code of "fair information practices" that requires agencies to comply with statutory norms for records collection, maintenance, use, and dissemination.

Management of Closure Site Records

Data from transfer site electronic recordkeeping systems are transferred to LM to support the LM records management program. LM and the transfer site work together to develop the necessary data interfaces to enable data transfer from the transfer site system to the LM system.

LM's electronic recordkeeping system currently contains electronic records as well as records-finding aids transitioned from the transfer sites. This effort requires extensive support from Information Technology staff. Often, each transfer site has one or more electronic recordkeeping systems that do not conform to that used by LM. Most of the transition site systems were developed by Information Technology staff at the site and were not commercial-off-the-shelf products. To efficiently manage records from each transfer site, LM determines that access to records information should be through one electronic recordkeeping system, which has allowed LM to access and retrieve record data from one database.

When a records request is received, keyword and text searches are performed in the LM electronic recordkeeping system to locate information. The system contains record information on all 85 sites that LM is responsible for, and it is a useful tool in managing the more than 95,000 cubic feet of records in LM's custody. LM has records management staff in five locations across the country, and since the LM electronic recordkeeping system is web-based, it can be accessed from any LM location.

LM recruited existing records management staff from the Mound and Fernald Sites in Ohio and the Rocky Flats Site in Colorado. The records collections for these sites comprise the majority of LM's record holdings. The familiarity of the site staff with these records collections has proven to be invaluable in understanding the types of records in each collection and is an asset to LM's ability to provide thorough and timely records search results. The LM electronic recordkeeping system and the knowledge base of LM's records management staff provide LM with the capability to efficiently manage the records from the closure sites and meet its responsibilities in responding to the hundreds of records requests received every year.

RECORDS CHALLENGES AND LESSONS LEARNED

Records Challenges

Challenges encountered during and after the transition of records from the transfer sites to LM include the following.

Closure Site Schedule and Coordination—Due to the enormous number of closure site activities for the large closure sites (Rocky Flats Site, Mound Site, and Fernald Site), strict time schedules had to be followed. The schedules required coordination among the transition site, LM, DOE Headquarters staff, and other entities as necessary. Activities included many on-site visits to discuss and resolve issues and check progress status. Constant communication and oversight were necessary to ensure that records transfer requirements were met. Meetings were held with DOE and contractor legal staff, representatives from contracts and human resources organizations, and technical and management staff to understand future records needs and to ensure availability of information. Meetings were also held with citizens groups to address concerns about the preservation of valuable records.

Abandoned Records and Lost Information—Until a site was officially closed, many records needed to be actively used and maintained to perform work at the closure sites. Records can be lost or abandoned in the movement of people and activities at the closure site. To ensure that site records were retained through closure, sites implemented accountability procedures to protect these records. Responsible management of records became a part of the employee transfer or closeout process. The transfer site implemented a program of exit interviews that focused on the institutional knowledge gained in technical areas, documented the actions taken, and described the results of the actions. Written reports of the content of these interviews were retained as a recordkeeping requirement until the information is no longer needed for documentation of a set of records.

Sensitive Material—The transfer sites were responsible for appropriately identifying and archiving sensitive records. Large closure sites (Rocky Flats, Mound, and Fernald) handled classified matter during operations, and this type of information was transferred to other DOE entities for preservation. LM worked closely with the transfer sites to ensure that appropriate custodians were identified and that classified records remained secure. LM has encountered some sensitive information and has worked with the DOE Office of Environmental Management and other DOE organizations to protect the information and ensure proper review of the material.

Contaminated Records—Each transfer site was responsible for ensuring that records containing external impurities on the storage media were safe for human handling without special precautions. If records were identified as containing external impurities, the records were copied onto uncontaminated media.

Transfer of Records Custody—In some cases, additional records have been identified after the official site transfer date. LM continues to work with the transfer site or other DOE organization to obtain additional records. The opposite situation has also occurred—records that should not have been transferred to LM custody were included with site closure records, and those records must be returned to the transferring organization.

Searching for Requested Records

Many of the records collections managed by LM include older records that have been at the Federal Records Centers for years. A challenge in locating information in those records is that only limited information is included on records transmittal forms and box indexes. Varying indexing methods, filing systems, and recordkeeping practices represent potential problems to efficient records disposition and retrieval. Inconsistent documentation and the need to integrate related contractor/subcontractor records have proven to be challenging for LM. These inconsistencies result in time-consuming searches to find records in response to requests. LM has initiated re-indexing projects to improve records retrievability.

Lessons Learned

The life cycle of records (see Fig. 2) consists of four phases: creation, use, maintenance, and disposition (destruction or long-term preservation). Records must be managed throughout their entire life cycle according to NARA-approved methods codified in federal laws and regulations.

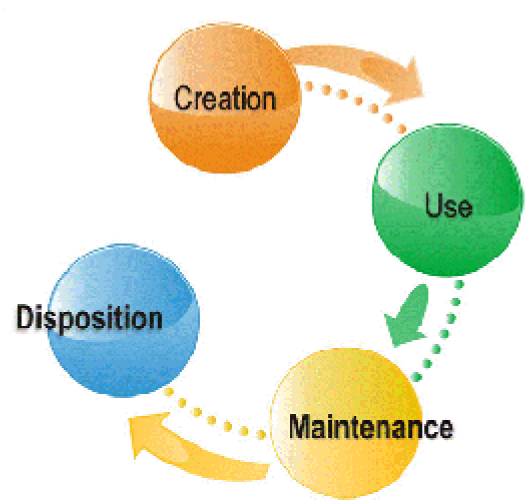

Fig. 2. Records Life Cycle.

Records management practices are critical to the functions of federal agencies, because the contents of the records are evidential information of federal activities and are important and valuable to the federal government and the public. Records provide information about, or evidence of, the organization, functions, policies, decisions, procedures, operations, or other activities of the government. Therefore, the information generated by an agency must be created, maintained, and dispositioned through records management processes that ensure the appropriate preservation and retrieval of essential information.

Records may exist in various media, including hard copy, microfilm, maps, engineering drawings, databases, computer applications, audiovisual formats, and electronic document or image files. The records custodian is responsible for ensuring that the records are usable and accessible throughout their lifetime, regardless of storage media, and all personnel are responsible for ensuring that records are provided to the records custodian for capture of the record information.

Because of their intrinsic value, best practices to preserve information and records should be followed when records are to be transferred from one organization to another. Complete inventories, schedules, finding aids, indexes, records databases, and other related information are kept current and transferred to the new custodian with the records. In addition, other supporting materials, such as oral histories or exit interviews with key staff members should be conducted and documented prior to transfer to facilitate the transition of records management responsibilities.

After a site is remediated, the records about that site remain. The records represent historical information about operations at the site, and it is important that this information is appropriately captured and maintained for future generations.

Adequate Staffing and Resources Are Needed for Records Management Activities

Management must devote adequate staff and resources to efficiently manage records from creation to disposition according to the records life cycle. Records management personnel work with the general staff to educate them about records responsibilities and practices. Effective management of records during the creation, use, and maintenance phases of the life cycle greatly aids in the disposition process and, later, in retrieving information from inactive records collections.

BUSINESS CENTER RECORDS STORAGE FACILITY

LM is consolidating records management activities and inactive records storage at a new facility named the LM Business Center, in Morgantown, West Virginia, as shown in Figs. 3 and 4. The Business Center will house the majority of LM's record holdings.

Fig. 3. LM Business Center, Morgantown, West Virginia.

NARA 2009 Compliance

The records storage area in the Business Center was built to comply with NARA requirements in Title 36 *Code of Federal Regulations* Part 1228, Subpart K, "Facility Standards for Record Storage Facilities." Subpart K specifies the minimum structural, environmental, property, and life-safety standards that a records storage facility must meet when the facility is used for the storage of federal records. The building and records warehouse design required close DOE coordination with NARA representatives.

Facility Particulars and Storage Capacity

The 59,000-square-foot facility will house up to 95 federal and contractor personnel supporting LM. The 31,000-square-foot warehouse within the facility (see Fig. 4) will contain up to 95,000 cubic feet of records from the Cold War nuclear legacy.

The facility will store inactive, temporary DOE records. Records are retrieved in response to various requests for information. The records have been stored at several NARA Federal Records Centers, and transfer of records from those facilities to the new LM Business Center will begin in January 2010.

Fig. 4. LM Business Center Records Storage Area.

Capabilities

The Business Center has a large records storage area, a special records media cold storage area, a loading dock, records receipt and processing areas, an Information Technology Consolidated Data Center, Information Technology Help Desk operations, and visitor areas. The facility also will include a fitness center to promote employee wellness and a break room.

The Business Center is a Security Level III federal facility, based on its security interest as a federal records storage facility. The building has two special certifications: (1) it is a NARA-certified Federal Records Storage Facility, and (2) the U.S. Green Building Council has granted it LEED Gold certification for core/shell and commercial interiors. Green features include perimeter windows equipped with an internal light shelf to diffuse direct sunlight, water-efficient plumbing, a clerestory, and numerous windows that let in sunlight and provide a view of the environment.

Physical Records Inventory Management Application

In the near future, LM plans to replace its current electronic recordkeeping system with a U.S. Department of Defense 5015.2-certified application—EMC Documentum. This system will work in conjunction with physical warehouse inventory management software to manage LM's record holdings. LM procured and is currently configuring an application marketed by OmniRIM Solutions to provide the management capability for its records warehouse physical inventory.