

Access to and Ownership of Records for EEOICPA

After almost 2 years of working revisions to the Department of Energy Acquisition Regulation (DEAR) Clause "Access to and Ownership of Records", a Notice of Public Rulemaking (NOPR) was signed by the Secretary and issued in the Federal Register for the required 30-day public comment period on Monday, May 24th. These revisions to the DEAR Clause will assist employees, specifically, subcontractors, by requiring contractors/subcontractors to provide copies of certain records, such as personnel, Industrial Hygiene, to the DOE upon termination. This will end decades of contractors leaving with an/or destroying records after contractor termination and record retention period elapses. The NOPR can be reviewed at <http://edocket.access.gpo.gov/2010/pdf/2010-12404.pdf> The 30 day public comment period ends June 23.

Background:

In light of the fact that most of the DOE sites have been in existence for as many as 60 years, there are inherent variations in quality, complexity, and completeness of recordkeeping practices. While DOE cannot recreate records that no longer exist, it is vital that DOE preserve ownership of, and access to, records in accordance with laws and regulations. In particular preservation of records that are vital to the safety, health and well being of past, present and future workers and the surrounding communities.

The proposed revisions are relevant to all applicable contracts, not just M&O contracts. The inclusion of the clause will provide clarity to the DOE contractor and subcontractor on their records management responsibilities, in particular the maintenance, retention, disposition, and Government ownership of records required for support of the EEOICPA program. The records impacted can include:

- personnel
- facility
- occupational safety and health
- environment
- medical records
- facility records

These revisions to the DEAR clause will also serve to stress the importance of complete and accurate documentation and proper recordkeeping to adequately document Government funded activities, preserve institutional memory, protect the legal and financial rights of the Government, and preserve worker and facility records to ensure records are available to the Government when needed.