



NATIONAL ARCHIVES *and* RECORDS ADMINISTRATION
8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001
www.archives.gov

Sent Via Email. No Hard Copy to Follow.

January 15, 2020

Ms. Maria Levesque
Department of Energy
Departmental Records Officer
1000 Independence Avenue
Washington, DC 20585-1290

Dear Ms. Levesque:

The National Archives and Records Administration (NARA) has been notified of a potential unauthorized disposition at the Department of Energy's (DOE) Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico. We have received an allegation of several violations of federal records management requirements, including the unlawful storage, transfer, and destruction of federal records maintained at WIPP by DOE and its contractors.

NARA requests that DOE investigate this matter to determine if the appropriate records management practices, policies, and procedures are in place and whether records storage, disposition, and transfer are in full accordance with NARA approved schedule authorities. Please note, that per 36 CFR 1230.14, if records have been destroyed without NARA's proper authorization, destruction must cease and the agencies must report these incidents promptly to NARA. In addition, per 36 CFR 1226.22, all records scheduled as permanent must be transferred to the National Archives after the period specified within its approved records schedule. The WIPP in Carlsbad has not been designated as a NARA Affiliated Archives so permanent records must be transferred to NARA per the instructions on NARA-approved records schedules.

In accordance with 36 CFR 1230.16, NARA also requests that your agency provide NARA with a response within 30 days that includes a description of the records in which unauthorized destruction is evident; the records schedule disposition citation that covers their dispositions; details regarding the records destruction incidents and recovery efforts; and a statement of the safeguards that have been or will be implemented to prevent future unauthorized disposals of such records. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a large initial 'L' and a distinct 'V'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government



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April 14, 2020

Ms. Maria Levesque
Department of Energy
Departmental Records Officer
1000 Independence Avenue
Washington, DC 20585-1290

Dear Ms. Levesque:

The National Archives and Records Administration (NARA) received the Department of Energy's (DOE) response regarding NARA's request for further information into the allegation of the unauthorized disposition of records at the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico. DOE's investigation and site visit to the WIPP facility verified and determined the following:

- The unauthorized destruction of several series of temporary records due to the facility's inadequate execution of agency records schedules and failure to update existing authorities in accordance with new General Records Schedules (GRS) and other NARA approved authorities.
- The use and communication of incorrect guidance supporting the facility's self-designation as a NARA Affiliated Archives. The incorrect assumption was based on WIPP staff's misunderstanding of the 2006 Appropriations Bill that provided for the facility's creation.
- The failure to fully adhere to NARA-approved schedule instructions for one series of permanent records. The schedule instructs the agency to transfer legal and physical custody of its permanent records to NARA for preservation. This oversight also correlates with the facility's use of incorrect guidance as it relates to WIPP's designation as a NARA Affiliated Archives.

Based on DOE's review, the agency cannot determine the volume of lost temporary records and has found that no permanent DOE records were destroyed at WIPP. In response to its evaluation findings, DOE has instituted several measures to mitigate the risk of any future unauthorized disposition of records at WIPP. They include updates to onsite records management training materials, the crosswalk for all GRS schedules, and records maintenance documentation.

DOE states that new procedures for records destruction will also be implemented. All records must be scheduled and correct records schedules must be utilized with only the corresponding records for which they cover. The use of a DOE standard destruction certificate, which requires review by the agency's general counsel and approval by a Federal records manager, will be required to ensure the proper destruction of records. Records destructions at WIPP are not authorized until the above requirements have been met. WIPP is also directed to transfer any overdue permanent records to the National Archives that are no longer needed for ongoing agency business.

Based on the information that you provided, the reporting requirements of 36 CFR 1230.14(a) have been met. NARA is satisfied with DOE's safeguards and considers this matter closed. If you have any questions, please contact me at laurence.brewer@nara.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive, flowing style.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government