

Date: November 6, 2001
To: Records Managers
From: Susan Frey, Departmental Records Officer
Subject: RM Numbered Memo 2002-04: EPA's NPRM on Electronic Reporting and Electronic Recordkeeping -- Additional Questions

Please see the note below. We are collecting all comments by noon Friday, 11/9/01, to include in our response to EH. If you have comments, please forward them to Jay Blewett and I.

-----Original Message-----

From: Reisa Kall

In a memorandum from this office on October 19, 2001, we requested comments on EPA's Notice of Proposed Rulemaking on Electronic Reporting and Electronic Recordkeeping (66 FR 46162). (See below)

Staff from the Office of Environmental Policy and Guidance (EH-41) attended an EPA Public Hearing on this rulemaking this week. In light of some of the comments at this hearing, we have identified some additional questions, in addition to the "area of potential concern" identified in the October 19 memo, which would assist us in preparing DOE's comments. As you review the proposed rulemaking, we would welcome your comments in the following areas.

Graded Approach EPA is proposing a set of nine criteria that regulated entities will be required to meet in order to satisfy Title 40 record-keeping requirements using electronic records (pp. 46169-46170). EPA designed these criteria to ensure that electronic records will be trustworthy and reliable, available to EPA and other agencies and their authorized representatives, and admissible as evidence in a court of law to the same extent as a corresponding paper record. Do you believe the criteria and goals that EPA proposes are appropriate for all of the Title 40 records your site may elect to maintain electronically (e.g., do all records need a secure, computer-generated, time-stamped audit trail; do all records need to be admissible in court)? If not, please identify the records for which these criteria and goals are not appropriate. Also identify the inappropriate criteria and/or goal and explain why it/they are inappropriate.]

Contractors DOE operates most of our sites with contractors and subcontractors. Does this pose additional problems with the electronic recordkeeping, transfer of records, and long-term maintenance of electronic records?