

NARRATIVE STATEMENT

The U.S. Nuclear Regulatory Commission (NRC) conducted a comprehensive review of all Privacy Act systems of records. As a result of this review, the NRC is revising and republishing all of its systems of records notices, which include minor and administrative changes that do not meet the criteria for either a new or altered system of records, with the following exceptions: First, the NRC is proposing to adopt a new routine use that will apply to all of its systems of records. Second, the NRC is proposing to revise the following three Privacy Act system of records notices:

- NRC-11, “General Personnel Records (Official Personnel Folder and Related Records)—NRC”
- NRC-18, “Office of the Inspector General (OIG) Investigative Records—NRC”
- NRC-22, “Personnel Performance Appraisals—NRC”

1. Purpose

Adding new Prefatory Statement of General Routine Uses to authorize disclosure of information to the U.S. National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to allow OGIS to fulfill its responsibilities under 5 USC § 552(h) to review administrative agency policies, procedures, and compliance with the Freedom of Information Act (FOIA) and offer of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

NRC-11 is being revised to authorize the disclosure of records to the officials of labor organizations recognized under 5 USC Chapter 71, “Labor–Management Relations,” when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

NRC-18 is being revised to reflect that, under the Consolidated Appropriations Act, 2014 (P.L. 113-76), the NRC Inspector General is authorized to exercise the same authorities with respect to the Defense Nuclear Facilities Safety Board as the NRC OIG exercises with respect to the NRC under the Inspector General Act of 1978 (5 App. 3), and that, therefore, records in this system may be used and disclosed in connection with the NRC OIG’s exercise of these additional statutory authorities.

NRC-22 is being revised to authorize the disclosure of records to the officials of labor organizations recognized under 5 USC Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

2. Authority

NRC-11: 5 U.S.C., Part III, “Employees”; 5 USC 4103; 42 USC 290dd; 42 USC 2201(d); and Executive Order (E.O.) 9397, as amended by E.O. 13478.

NRC-18: Inspector General Act of 1978, as amended, 5 USC App. 3; 42 USC 2201(c), and 5841(f).

NRC-22 5 USC Chapter 43, "Performance Appraisal"; 42 USC 2201(d), 5841; and Title 5 of the *Code of Federal Regulations* Part 293, "Personnel Records."

3. Potential effects on privacy of individuals

The NRC will use and disclose the information in the revised systems of records as discussed in the above Purpose and in system notices. Given the steps taken to protect the records in the system and the limitations on disclosure of the records, the NRC does not anticipate any unwarranted adverse effects on the privacy of individuals caused by the maintenance of these revised systems of records.

4. Protection of the information

NRC-11 The Official Personnel Folders are stored electronically in a secure Office of Personnel Management central repository, with role-based security for access to the records and audit trail for all user activity. Paper documents are maintained in lockable file cabinets. Automated systems are password protected. Access to and use of these records is limited to those persons whose official duties require such access. The U.S. Department of the Interior (DOI) maintains a system security plan for the Federal Personnel Payroll System (FPPS).

NRC-18 Access to the automated Investigative Database Program is password protected. Index card files for older cases (1970-1989) are maintained in secure office facilities. Both the Allegations Tracking System and the Investigative Management System are accessible from terminals that are double-password-protected. Paper files backing up the automated systems and older case reports and work papers are maintained in approved security containers and locked filing cabinets in a locked room; associated indices, records, diskettes, tapes, etc., are stored in locked metal filing cabinets, safes, storage rooms, or similar secure facilities. All records in this system are available only to authorized personnel who have a need to know and whose duties require access to the information.

NRC-22 Records are maintained in areas where access is controlled by keycard and is limited to NRC and contractor personnel and to others who need the information to perform their official duties. Access to the headquarters buildings in Rockville, MD, is controlled by a security guard force. Paper records are maintained in folders in locking file cabinets. Automated systems are password protected. DOI maintains a system security plan for the FPPS.

5. Compatibility with (a)(7) of the Privacy Act

The Privacy Act permits the disclosure of information about individuals contained in a system of records without their consent for a routine use where the disclosure is compatible with the purpose for which the information was collected. The Office of Management and Budget (OMB) has indicated that a "compatible" use is a use that is necessary and proper (OMB Guidelines, published in the *Federal Register* (FR) at 51 FR 18982, 18985 (1986)).

All System of Records – The NRC considers the disclosure of information to the U.S. National Archives and Records Administration, OGIS, to be a disclosure for a compatible purpose when it is deemed necessary to allow OGIS to fulfill its responsibilities under 5 USC § 552(h) to review administrative agency policies, procedures, and compliance with FOIA and offer of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

NRC-11 – The NRC considers the disclosure of information to officials of labor organizations recognized under 5 USC Chapter 71—when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions—to be a disclosure for a compatible purpose.

NRC-18 – Under the Consolidated Appropriations Act, 2014, the NRC Inspector General is authorized to exercise the same authorities with respect to the Defense Nuclear Facilities Safety Board as the Inspector General exercises with respect to the NRC under the Inspector General Act of 1978 (5 USC App. 3). Therefore, records in this system may be used and disclosed in connection with the NRC OIG’s exercise of these additional statutory authorities—to be a disclosure for a compatible purpose.

NRC-22 – The NRC considers the disclosure of information to officials of labor organizations recognized under 5 USC Chapter 71—when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions—to be a disclosure for a compatible purpose.

6. OMB control numbers

None.