

NARRATIVE STATEMENT

The United States Nuclear Regulatory Commission (NRC) is proposing to adopt a new routine use and revise an existing routine use in its Prefatory Statement of General Routine Uses as required by the Office of Management and Budget Memorandum M-17-12, dated January 3, 2017, entitled "Preparing for and Responding to a Breach of Personally Identifiable Information." This action will authorize the NRC to disclose information when reasonably necessary to respond to a suspected or confirmed breach of an NRC system of records or, as appropriate, to assist another agency in its own response to a suspected or confirmed breach. The NRC is also proposing to revise certain systems of records to clarify that records associated with Freedom of Information Act (FOIA) requests that may be disclosed to the Office of Government Information Services (OGIS) in connection with OGIS's FOIA-related responsibilities could potentially include records that were originally drawn from any of the NRC's systems of records. Although the NRC has already incorporated routine use (8) from the NRC's Prefatory Statement of Routine Uses into the NRC's system of records for FOIA requests, which has provided notice that records associated with FOIA requests could be disclosed to OGIS as a routine use, the NRC proposes now to expressly incorporate routine use (8) into all NRC systems to highlight and clarify the range of NRC records to which this routine use could pertain. As a result of these proposed changes, the NRC is republishing all of its systems of records notices.

1. Purpose

In the Prefatory Statement of General Routine Uses, adding a new routine use (9) and revising an existing routine use (7) to authorize the NRC to disclose information when reasonably necessary to respond to a suspected or confirmed breach of an NRC system of records or, as appropriate, to assist another agency in its own response to a suspected or confirmed breach. NRC is also proposing that all systems of records reference routine use (8) to clarify that records originating in any system of records could, if associated with a FOIA request, potentially be eligible for disclosure to OGIS under this routine use.

2. Authority

Office of Management and Budget Memorandum M-17-12, dated January 3, 2017, entitled "Preparing for and Responding to a Breach of Personally Identifiable Information," and the Freedom of Information Act (5 U.S.C. 552).

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 systems 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

The NRC will protect the information about individuals contained in a system of records as stated in each system of records notice.

5. Compatibility with section (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 Proposed Guidance Implementing the Privacy Act of 1974, published in the *Federal Register* (FR) at 51 FR 18982, 18985 (May 23, 1986)).

All Systems of Records – The NRC considers the disclosure of information to respond to a suspected or confirmed breach of an NRC system of records or to assist another agency in its own response to a suspected or confirmed breach to be a disclosure for a compatible purpose when the disclosure is deemed reasonably necessary for supporting the response to the suspected or confirmed breach. The NRC also considers the disclosure of information to OGIS to be a disclosure for a compatible purpose when done in support of OGIS's statutory functions under the FOIA.

6. OMB control numbers

None.