

DOCKET NUMBER
PROPOSED RULE

PR-Misc Notice [7590-01]
(52 FR 46546)

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NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Privacy Act of 1974; Report of New System of Records

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AGENCY: Nuclear Regulatory Commission.

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

ACTION: Establishment of new system of records.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to establish a new system of records, NRC-35, Drug Testing Program Records--NRC, in response to the mandate in Executive Order 12564, "Drug-Free Federal Workplace," that President Reagan signed on September 15, 1986. Because the NRC has a major responsibility for protecting the health and safety of the public and the national security, it is strongly committed to the goal of establishing and maintaining a work environment that is free from the ill effects of drug abuse.

DATES: The proposed new system of records will take effect without further notice on JAN 7 1988, unless comments received on or before that date cause a contrary decision. If, based on NRC's review of comments received, changes are made, NRC will publish a new final notice.

ADDRESSES: Send comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch. Comments may be hand delivered to Room 1121, 1717 H Street, NW, Washington, DC, between 7:30 a.m. and 4:15 p.m.

FOR FURTHER INFORMATION CONTACT: Raymond J. Brady, Director, Division of

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add R.J. Brady, 5721 MNBB

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Security, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-4100.

SUPPLEMENTARY INFORMATION: The NRC drug testing program is being established in accordance with section 3 of the September 15, 1986, Executive Order 12564 of the President of the United States and the Office of Personnel Management guidelines in FPM Letter 792-16, issued on November 28, 1986, and FPM Letter 792-17, issued on March 9, 1987.

A report for this proposed new system of records, required by 5 U.S.C. 552a(o), as implemented by Office of Management and Budget Circular A-130, was sent to the President of the Senate, the Speaker of the House of Representatives, and the Office of Management and Budget on September 14, 1987, with a request for an expedited 30-day review.

The comment period expired on October 14, 1987. The NRC received one letter of comment from Congress, which took issue with the NRC's proposed external routine use. The commenter stated that inclusion of all six routine uses--five internal and one external--was "inappropriate and inconsistent with the statute." After careful review of the comments and consultation with the Congressional staff, the NRC agrees with the comment and is dropping the external routine use, while retaining the proposed internal uses.

1. The following new system of records, NRC-35, Drug Testing Program Records--NRC, is being proposed for adoption by the NRC.

NRC-35, Drug Testing Program Records--NRC

SYSTEM NAME: Drug Testing Program Records--NRC.

SYSTEM LOCATION: Primary system: Division of Security, Office of Administration and Resources Management, 7735 Old Georgetown Road, Bethesda, Maryland.

Duplicate systems: Duplicate systems may exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2; and at contractor testing laboratories and collection/evaluation facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Persons including NRC employees, employment applicants, consultants, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM: These records contain information regarding results of the drug testing program; requests for and results of initial, confirmatory and follow-up testing, if appropriate; additional information supplied by NRC employees, employment applicants, consultants, or contractors in challenge to positive test results; and written statements or medical evaluations of attending physicians and/or information regarding prescription or nonprescription drugs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

- a. Executive Order 12564; September 15, 1986;
- b. Pub. L. 100-71, "Supplemental Appropriations for the Homeless Act of 1987," Amendment No. 416, July 11, 1987.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: Information in these records may be used by the Division of Security and NRC management:

- a. To identify substance abusers within the agency;
- b. To initiate counselling and/or rehabilitation programs;
- c. To take personnel actions;
- d. To take personnel security actions; and
- e. For statistical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE: Records are maintained on paper in file folders, on index cards, and on computer printouts for documentary information. Specimens are maintained in appropriate environments.

RETRIEVABILITY: Records are indexed and accessed by name, social security account number, testing position number, specimen number, drug testing laboratory accession number, or a combination thereof.

SAFEGUARDS: Access to and use of these records is limited to those persons whose official duties require such access, with records maintained and used with the highest regard for personal privacy. Records in the Division of Security are stored in an approved security container under the immediate control of the Director, Division of Security, or designee. Records at other NRC locations and in laboratory/collection/evaluation facilities will be stored

under appropriate security measures so that access is limited and controlled.

RETENTION AND DISPOSAL:

a. Test results, whether negative or positive, and other drug screening records filed in the Division of Security or at the locations listed in Addendum 1, Parts 1 and 2, will be retained and retrieved as indicated under the Retrievability category. When an individual terminates employment or a contractual/consultant relationship with the NRC, negative test results will be destroyed by shredding, or by other approved disposal methods. Positive test results will be maintained through the administrative/judicial disposition and/or appeal rights of the tested party, at which time they will be destroyed by shredding, or by other approved disposal methods.

(b. Test results, whether negative or positive, on file in contractor testing laboratories, will be retained for a minimum of two years in the laboratories; or, upon instructions provided by the Division of Security, will be transferred to the Division of Security when the contract is terminated or whenever an individual, previously subjected to urinalysis by the laboratory, terminates employment or a contractual/consultant relationship with the NRC. Records received from the laboratories by the Division of Security will be incorporated into other records in the system or, if the individual has terminated, those records reflecting negative test results will be destroyed by shredding, or by other approved disposal methods. Positive test results will be maintained through the administrative/judicial disposition and/or appeal rights of the tested party, at which time they will be destroyed by shredding, or by other approved disposal methods.

c. Negative specimens will be destroyed according to laboratory/contractor procedures.

d. Positive specimens will be maintained through the administrative/judicial disposition and/or appeal rights of the tested party.

SYSTEM MANAGER(S) AND ADDRESS: Director, Division of Security, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

NOTIFICATION PROCEDURE: Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

RECORD ACCESS PROCEDURES: Same as "Notification procedure."

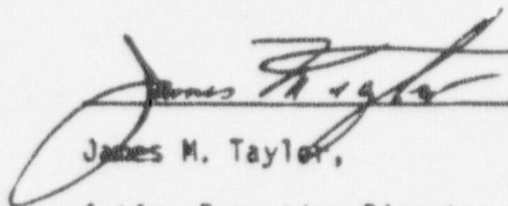
CONTESTING RECORD PROCEDURES: Same as "Notification procedure."

RECORD SOURCE CATEGORIES: NRC employees, employment applicants, consultants, and contractors who have been identified for drug testing, who have been tested, or who have admitted abusing drugs prior to being tested; physicians making statements regarding medical evaluations and/or authorized prescriptions for drugs; NRC contractors for processing, including but not limited to, specimen collection, laboratories for analysis, and medical evaluations; and NRC staff administering the drug testing program to ensure the achievement of a drug-free Federal workplace.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: Pursuant to 5 U.S.C. 552a(k)(5), the Commission has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 10 CFR 9.95 of the NRC regulations.

Dated at Bethesda, Maryland this 1st day of December 1987.

For the Nuclear Regulatory Commission.



James M. Taylor,

Acting Executive Director for Operations.