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TITLE: PR-MISC - 61FR29578 - PRIVACY ACT OF 1974, AS
AMENDED; REVISIONS TO EXISTING SYSTEM OF
RECORDS

CASE REFERENCE: PR-MISC
61FR29578

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DOCKET NO. PR-MISC
(61FR29578)

In the Matter of
PRIVACY ACT OF 1974, AS AMENDED;
REVISIONS TO EXISTING SYSTEM OF
RECORDS

DATE DOCKETED	DATE OF DOCUMENT	TITLE OR DESCRIPTION OF DOCUMENT
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06/11/96

05/31/96

FEDERAL REGISTER NOTICE - PROPOSED RULE

DOCKET NUMBER
PROPOSED RULE **PR** *misc*
(61FR 29578)

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NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Privacy Act of 1974, As Amended; Revisions to Existing System of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed revisions to an existing system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Nuclear Regulatory Commission (NRC) is issuing public notice of its intent to modify an existing system of records (system), NRC-3, "Enforcement Actions Against Individuals--NRC," to expand the Categories of Individuals Covered and the Categories of Records Maintained in the system, to add one new routine use, and to revise two existing routine uses.

EFFECTIVE DATE: The revised system of records will become effective without further notice on ~~(40 days from date of publication in the Federal Register)~~ *July 22, 1996* unless comments received on or before that date cause a contrary decision. If changes are made based on NRC's review of comments received, NRC will publish a new final notice.

ADDRESSES: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and

Services Branch. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm Federal workdays. Copies of comments may be examined, or copied for a fee, at the NRC Public Document Room at 2120 L Street, NW., Lower Level, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jona L. Souder, Freedom of Information/Local Public Document Room Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-7170.

SUPPLEMENTARY INFORMATION: The NRC is proposing to amend the system notice for NRC-3, "Enforcement Actions Against Individuals--NRC," to add "individuals involved in NRC-licensed activities who have been the subject of correspondence indicating that they are being, or have been, considered for enforcement action" as a new category of individuals covered by the system. NRC-3 currently covers only those individuals who have actually been subject to NRC enforcement actions. In addition, while the current categories of records in the system include Letters of Reprimand, NRC-3 does not include other letters such as those concerning matters that are being or have been considered for individual enforcement action and those that reflect on an individual's performance concerning a particular matter. These letters, which are necessary in deciding whether enforcement action should be taken against an individual, determining whether repetitive performance problems are occurring, and tracking actions considered and taken, are being added to the categories of records maintained in the system.

Existing routine use b. is being amended to include several additional means of making certain information routinely available to the public in an effort to deter future violations of NRC regulations.

Existing routine use e. is being redesignated f. and is being revised to include routine use 5. from the Prefatory Statement of General Routine Uses available to all NRC systems of records to permit disclosures to a Congressional office in response to its inquiry made at the request of the subject individual.

A new routine use e. permitting disclosures to the National Archives and Records Administration and the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906 is being added to the system.

A report on the proposed revisions to this system of records, required by 5 U.S.C. 552a(r) and the Office of Management and Budget (OMB) Circular No. A-130, is being sent to the Committee on Governmental Affairs, U.S. Senate; the Committee on Government Reform and Oversight, U.S. House of Representatives; and OMB.

Accordingly, the NRC proposes to amend NRC-3 in its entirety to read as follows:

NRC-3

SYSTEM NAME:

Enforcement Actions Against Individuals--NRC.

SYSTEM LOCATION:

Primary system--Office of Enforcement, NRC, 11555 Rockville Pike, Rockville, Maryland.

Duplicate systems--Duplicate systems may exist, in whole or in part, at the NRC Regional Offices at the locations listed in Addendum I, Part 2, and in the Office of the General Counsel, NRC, 11555 Rockville Pike, Rockville, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals involved in NRC-licensed activities who have been subject to NRC Enforcement Actions or who have been the subject of correspondence indicating that they are being, or have been, considered for enforcement action.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes, but is not limited to, individual enforcement actions, including Orders, Notices of Violations with and without Civil Penalties, Orders Imposing Civil Penalties, Letters of Reprimand, Demands for Information, and letters to individuals who are being considered for enforcement action or have been considered. Also included are responses to these actions and letters. In addition, the files may contain other relevant documents directly related to those actions and letters that have been issued. Files are arranged numerically by Individual Action (IA) number, which is assigned as individual enforcement actions are issued. In instances where only letters are issued, these letters also receive IA numbers. The system includes a computerized database from which information is retrieved by names of the individuals subject to the action and IA numbers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2114, 2167, 2201(c), and 2282 (1988).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures permitted under subsection (b) of the Privacy Act, the NRC may disclose information contained in this system of records without the consent of the subject individual if the disclosure is compatible with the purpose for which the record was collected under the following routine uses:

- a. To respond to general information requests from the Congress;
- b. To deter future violations, certain information in this system of records may be routinely disseminated to the public by such means as (1) publishing in the Federal Register certain enforcement actions issued to an individual; (2) placing in the NRC Public Document Room (PDR) and most local public document rooms (LPDRs); (3) publishing in the NRC Homepage; and (4) listing all individuals currently subject to an order that affects their participation in licensed activities in NUREG-0940, Part I, "Enforcement Actions: Significant Actions Resolved, Individual Actions," published semiannually. In addition to being available in the PDR and most LPDRs, copies of NUREG-0940, Part I, are sent to all power reactor licensees and major materials licensees and are made available to other licensees and the general public on request;
- c. When considered appropriate for disciplinary purposes, information in this system of records, such as enforcement actions and hearing proceedings, may be disclosed to a bar association, or other professional organization performing similar functions, including certification of individuals licensed by NRC or Agreement States to perform specified licensing activity;
- d. Where appropriate to ensure the public health and safety, information in this system of records, such as enforcement actions and hearing

proceedings, may be disclosed to a Federal or State agency with licensing jurisdiction; and

e. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 and 2906.

f. For the routine uses specified in paragraphs 1, 2, 3, 4, and 5 of the Prefatory Statement of General Routine Uses.

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 computer printouts, and on computer media.

RETRIEVABILITY:

Records are accessed by individual action file number or by the name of the individual.

SAFEGUARDS:

Records are maintained in lockable file cabinets or computer databases. Access to and use of these records is limited to those NRC employees whose official duties require access. Access to automated records requires use of proper password and user identification codes. Paper files are under visual control during duty hours.

RETENTION AND DISPOSAL:

Enforcement Action Case Files and related indexes are currently unscheduled and must be retained until a records disposition schedule for this material is approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Enforcement, U.S. Nuclear Regulatory Commission,
Washington, DC 20555-0001.

NOTIFICATION PROCEDURE:

Director, Division of Freedom of Information and Publications Services,
Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC
20555-0001.

RECORD ACCESS PROCEDURES:

Same as "Notification Procedure."

CONTESTING RECORD PROCEDURES:

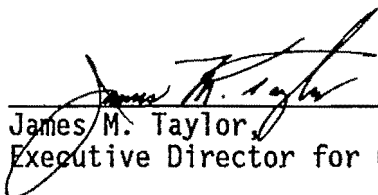
Same as "Notification Procedure."

RECORD SOURCE CATEGORIES:

Information in the records is primarily obtained from NRC inspectors and
investigators and other NRC employees, individuals to whom a record pertains,
authorized representatives for these individuals, and NRC licensees, vendors,
other individuals regulated by the NRC, and persons making allegations to the
NRC.

Dated at Rockville, MD, this *31st* day of *May*, 1996.

For the Nuclear Regulatory Commission.



James M. Taylor,
Executive Director for Operations.