

ADAMS Template: SECY-067

DOCUMENT DATE: 04/17/1996

TITLE: PR-MISC - 61FR16810 - PRIVACY ACT OF 1974;
PROPOSED REVISIONS TO AN EXISTING SYSTEM OF
RECORDS

CASE REFERENCE: PR-MISC
61FR16810

KEY WORD: RULEMAKING COMMENTS

Document Sensitivity: Non-sensitive - SUNSI Review Complete

DOCKET NO. PR-MISC
(61FR16810)

In the Matter of
PRIVACY ACT OF 1974; PROPOSED REVISIONS TO AN
EXISTING SYSTEM OF RECORDS

DATE DOCKETED	DATE OF DOCUMENT	TITLE OR DESCRIPTION OF DOCUMENT
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FEDERAL REGISTER NOTICE - PROPOSED RULE

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[7590-01]NRC

NUCLEAR REGULATORY COMMISSION
Privacy Act of 1974; Proposed Revisions to an
Existing System of Records

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OFFICE OF SECRETARY
DOCKET

AGENCY: Nuclear Regulatory Commission.

DOCKET NUMBER
PROPOSED RULE PR MISC
(61FR16810)

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 publishing an amendment to an existing system of records currently entitled NRC-32, "Licensee and Applicant Taxpayer Identification Number Records--NRC." NRC-32 was last published in the Federal Register on September 13, 1994, when six new routine uses were added to enhance NRC's ability to collect certain licensee fee debts. This amendment renames the system of records "Office of the Controller Financial Transactions and Debt Collection Management Records--NRC" to cover expansion of NRC-32 to include information on nonlicense fee debts of individuals as well as information on individuals who receive money or payment from the NRC. As a result, the system of records notice is being revised in its entirety and will become the NRC's system of records for maintaining, tracking, and disseminating information on all payment and collection activities.

EFFECTIVE DATES: The revised system of records will become effective without further notice on ~~(40 days from date of publication in the Federal Register)~~ ^{May 23, 1996} unless comments received on or before that date cause a contrary decision. If

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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 7:45 am and 4:15 pm Federal workdays. Copies of comments may be examined 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 entering into a Memorandum of Understanding with the Department of the Treasury's (Treasury) Debt Management Services (DMS) to establish the terms and conditions for debt collection operations to be provided by DMS on behalf of NRC to satisfy, in whole or in part, debts owed to the U.S. Government. The types of debt NRC is transferring to DMS for collection include both commercial and consumer debt. A review of the system of records (SOR) notice was conducted to determine if the published routine uses for NRC-32 would permit disclosures of information on nonlicense fee delinquent debts incurred by individuals, such as former employees and Freedom of Information Act (FOIA) requesters to Treasury's DMS for cross servicing. Cross servicing includes the possible use of all debt

collection tools including administrative offset, tax refund offset, referral to debt collection contractors, and referral to the Department of Justice.

It was determined that although NRC-32 permits disclosure of information on NRC licensees and applicants for NRC licenses to debt collection contractors, it does not cover the maintenance and/or disclosure of nonlicense fee delinquent debts of individuals. NRC-32, currently entitled "Licensee and Applicant Taxpayer Identification Number Records--NRC," was last published on September 13, 1994 (59 FR 46997). In order to permit NRC to maintain and disseminate information on nonlicense fee debts of individuals, the SOR is being amended to cover anyone who owes money to the NRC or the U.S. Government.

NRC-32 is also being revised to cover those individuals who receive money or payment from the NRC. This change is needed because all NRC financial transactions are now part of an overall agency accounting system from which information is retrieved in a number of ways, including by name or other personal identifier. The accounting system will be maintained in NRC-32.

In addition to revising the "Categories of Individuals Covered by the System," six new routine uses have been added to NRC-32 to permit disclosures of information:

(1) Provided on W-2 and 1099 Forms to the Internal Revenue Service and applicable State and local Governments to be included as income to an individual;

(2) To banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number for this purpose;

(3) To other Federal agencies that have asked NRC to effect an administrative offset to help collect a debt owed the United States;

(4) To a Federal agency when NRC has entered into an agreement with the agency for cross servicing debt collection operations;

(5) To Treasury in order to request payment to individuals owed money by NRC, and;

(6) To the National Archives and Records Administration or the General Services Administration for records management inspections.

The "Categories of Records in the System" has been expanded to more accurately reflect the types of records maintained in the system. In addition, most of the other sections in the SOR notice have also been revised.

As required by 5 U.S.C. 552a(r) of the Privacy Act and Appendix I to Office of Management and Budget (OMB) Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," the altered system of records report has been submitted to OMB, the Committee on Government Reform and Oversight of the U.S. House of Representatives, and the Committee on Governmental Affairs of the U.S. Senate.

Accordingly, NRC proposes to amend NRC-32 in its entirety to read as follows:

NRC-32

SYSTEM NAME:

Office of the Controller Financial Transactions and Debt Collection Management Records--NRC.

SYSTEM LOCATION:

Primary system--Office of the Controller, NRC, 11545 Rockville Pike, Rockville, Maryland.

Duplicate systems--Duplicate systems exist, in whole or in part, at the locations listed in Addendum I, Parts 1 and 2. Other NRC systems of records contain payment and/or collection transaction records and background information that may duplicate some of the records in this system. These other systems include, but are not limited to:

NRC-5, Contracts Records Files--NRC;

NRC-7, Telephone Call Detail Records--NRC;

NRC-10, Freedom of Information Act (FOIA) and Privacy Act (PA)

Requests--NRC;

NRC-18, Office of the Inspector General Investigative Records--NRC;

NRC-19, Official Personnel Training Records Files--NRC;

NRC-20, Official Travel Records--NRC;

NRC-21, Payroll Accounting Records--NRC; and

NRC-24, Government Property Accountability System--NRC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals the NRC owes money to or who receive a payment from NRC and those who owe or owed money to the United States. Individuals receiving payments include, but are not limited to, current and former employees, contractors, consultants, vendors, and others who travel or perform certain services for NRC. Individuals owing money include, but are not limited to, those who have received goods or services from NRC for which there is a charge or fee (NRC licensees, applicants for NRC licenses, Freedom of Information Act (FOIA) requesters, etc.) and those who have been overpaid and owe NRC a refund (current and former employees, contractors, consultants, vendors, etc.).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system includes, but is not limited to, names, addresses, telephone numbers, Social Security numbers, Taxpayer Identification numbers, fee categories, application and license numbers, contract numbers, vendor numbers, amounts owed, background and supporting documentation, correspondence concerning claims and debts, credit reports, and billing and payment histories. The overall agency accounting system contains data and information integrating accounting functions such as general ledger, funds control, travel, accounts receivable, accounts payable, equipment, and appropriation of funds. Although this system of records contains information on corporations and other business entities, only those records that contain information about individuals that is retrieved by the individual's name or other personal identifier are subject to the Privacy Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(b)(12); 5 U.S.C. 5514; 15 U.S.C. 1681a(f); 26 U.S.C. 6103(m)(2); 31 U.S.C. 37, subchapters I and II; 31 U.S.C. 3701(a)(3) (1988); 31 U.S.C. 3711; 31 U.S.C. 3716; 31 U.S.C. 3717; 31 U.S.C. 3718; 31 U.S.C. 3720A (1988); 42 U.S.C. 2201 (1988); 42 U.S.C. 5841 (1988); Cash Management Improvement Act Amendments of 1992 (Pub. L. 102-589); 10 CFR Parts 15, 16, 170, 171 (1995); Executive Order 9397, November 22, 1943; Section 201 of Executive Order 11222.

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 debt collection contractors or to other Federal agencies such as the Department of the Treasury (Treasury) for the purpose of collecting delinquent debts as authorized by the Debt Collection Act of 1982, 31 U.S.C. 3718.

b. To the Defense Manpower Data Center, Department of Defense; the United States Postal Service; or any other Federal, State, or local agency to conduct an authorized computer matching program in compliance with the Privacy Act of 1974, as amended, to identify and locate individuals who are delinquent in their repayment of debts owed to the U.S. Government under certain programs or services administered by the NRC in order to collect the debts under common law or under the provisions of the Debt Collection Act of 1982 (5 U.S.C. 5514) by voluntary repayment, by administrative or salary offset, or by referral to debt collection contractors.

c. To the U.S. General Accounting Office, Department of Justice, United States Attorney, or other Federal agencies for further collection action on any delinquent account when circumstances warrant.

d. To credit reporting agencies for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

e. To any Federal agency where the debtor is employed or receiving some form of remuneration for the purpose of enabling that agency to collect a debt owed the Federal government on NRC's behalf by counseling the debtor for voluntary repayment or by initiating administrative or salary offset procedures under the provisions of the Debt Collection Act of 1982 (5 U.S.C.

5514).

f. To the Internal Revenue Service (IRS) by computer matching to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim by NRC against the taxpayer pursuant to 26 U.S.C. 6103(m)(2) and in accordance with 31 U.S.C. 3711, 3717, and 3718 or common law. Redisclosure of a mailing address obtained from the IRS may be made only for debt collection purposes, including to a debt collection agent to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that redisclosure of a mailing address to a reporting agency is for the limited purpose of obtaining a credit report on the particular taxpayer. Any such mailing address information obtained from the IRS will not be used or shared for any other NRC purpose or disclosed by NRC to another Federal, State, or local agency which seeks to locate the same taxpayer for its own debt collection purpose.

g. Referral of legally enforceable debts to the IRS or to Treasury's Debt Management Services to be offset against the debtor's tax refunds under the Federal Tax Refund Offset Program.

h. To prepare W-2, 1099, or other forms to submit to the IRS and applicable State and local Governments for tax reporting purposes. W-2 and 1099 Forms contain information on items to be considered as income to an individual, including certain travel related payments to employees, payments made to persons not treated as employees (e.g., fees to consultants and experts), and amounts written-off as legally or administratively uncollectible, in whole or in part.

i. To banks enrolled in the Treasury Credit Card Network to collect a payment or debt when the individual has given his or her credit card number

for this purpose.

j. To another Federal agency that has asked the NRC to effect an administrative offset under common law or under 31 U.S.C. 3716 to help collect a debt owed the United States. Disclosure under this routine use is limited to name, address, Social Security number, and other information necessary to identify the individual; information about the money payable to or held for the individual; and other information concerning the administrative offset.

k. To Treasury or other Federal agencies with whom NRC has entered into an agreement establishing the terms and conditions for debt collection cross servicing operations on behalf of the NRC to satisfy, in whole or in part, debts owed to the U.S. Government. Cross servicing includes the possible use of all debt collection tools such as administrative offset, tax refund offset, referral to debt collection contractors, and referral to the Department of Justice.

l. To Treasury in order to request a payment to individuals owed money by the NRC.

m. 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.

n. For any of the routine uses specified in the Prefatory Statement of General Routine Uses.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

DISCLOSURES PURSUANT TO 5 U.S.C. 552a(b)(12)

Disclosures of information to a consumer reporting agency are not considered a routine use of records. Disclosures may be made from this system to "consumer reporting agencies" as defined in the Fair Credit Reporting Act

(15 U.S.C. 1681(a)(f)) or the Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3701(a)(3)).

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

STORAGE:

Information in this system is stored on paper and microfiche, and in computer media.

RETRIEVABILITY:

Information is retrieved a number of ways, including by name, Social Security number, Taxpayer Identification number, license or application number, contract or purchase order number, invoice number, voucher number, and vendor code.

SAFEGUARDS:

Records are maintained in a building where access is controlled by a security guard force. They are kept in lockable file rooms or at user's workstations in an area where access is controlled by keycard and is limited to NRC and contractor personnel who need the records to perform their official duties. The records are under visual control during duty hours. Access to automated data requires use of proper password and user identification codes by NRC or contractor personnel.

RETENTION AND DISPOSAL:

Hard copy records are destroyed when six years and three months old except that administrative claims files, for which collection action is terminated without extension, are destroyed when ten years and three months old. Computer files are deleted after the expiration of the retention period authorized under the GRS for the disposable hard copy file or when no longer

needed, whichever is later.

SYSTEM MANAGER:

Director, Division of Accounting and Finance, Office of the Controller,
U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information pertaining to themselves should write to the Director, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

RECORDS ACCESS PROCEDURES:

Same as "Notification Procedure."

CONTESTING RECORD PROCEDURES:

Same as "Notification Procedure."

RECORD SOURCE CATEGORIES:

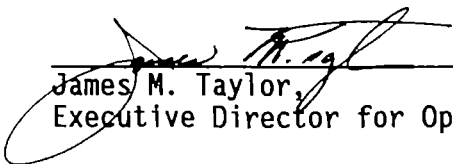
Record source categories include, but are not limited to, individuals covered by the system, their attorneys, or other representatives; NRC; collection agencies or contractors; employing agencies of debtors; and Federal, State and local agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated at Rockville, MD, this 4th day of April, 1996.

For the Nuclear Regulatory Commission.



James M. Taylor,
Executive Director for Operations.