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DOCKET NO. PR-MISC
(63FR65620)

In the Matter of
PRIVACY ACT OF 1974, AS AMENDED; ESTABLISHMENT OF
TWO NEW SYSTEMS OF RECORDS

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| 11/24/98 | 11/20/98 | FEDERAL REGISTER NOTICE - SYSTEMS OF RECORDS; TWO NEW SYSTEMS OF RECORDS PROPOSED |

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NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
RULEMAKING AND
ADJUDICATIONS STAFF

Privacy Act of 1974, As Amended; Establishment of Two New Systems of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Systems of records; two new systems of records proposed.

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 establish two new systems of records (systems) entitled NRC-43, "Employee Health Center Records--NRC," and NRC-44, "Employee Fitness Center Records--NRC."

EFFECTIVE DATES: Each system of records will become effective without further notice on (40 ^{January 6, 1999} ~~days from date of publication in the Federal Register~~) unless comments received on or before that date cause a contrary decision. If changes are made based on NRC's review of comments received, a new final notice will be published.

ADDRESSES: Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications staff. Hand deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. Federal workdays. Copies of comments received may be

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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 Act/Privacy Act Section, Information Services Branch, Information Management Division, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-7170 (jls3@nrc.gov).

SUPPLEMENTARY INFORMATION:

NRC is establishing a new system of records entitled NRC-43, "Employee Health Center Records--NRC," to facilitate management of and document individuals' use of services provided by NRC's Employee Health Center and any other health care facilities operating under a contract or agreement with NRC. The Employee Health Center was previously run by the Public Health Service (PHS) and covered by a PHS system notice. Information in the new NRC system is maintained to (1) provide data necessary to ensure proper evaluation, diagnosis, treatment, and referral to maintain continuity of care; (2) provide an accurate medical history of health care and medical treatment received by the individual; (3) plan for further care of the individual; (4) provide a means of communication among health care members who contribute to the individual's care; and (5) provide a means for evaluating the quality of health care provided.

NRC is also establishing a new system of records entitled NRC-44, "Employee Fitness Center Records--NRC." Information in the system is maintained to facilitate management of the Fitness Center, document individuals' voluntary use of services provided, and monitor the health and physical fitness of individual members.

Reports on the two new systems of records are being sent to the Office of Management

and Budget (OMB), the Committee on Governmental Affairs of the U.S. Senate, and the Committee on Government Reform and Oversight of the U.S. House of Representatives as required by the Privacy Act and OMB Circular No. A-130, Appendix I, "Federal Agency Responsibilities for Maintaining Records About Individuals."

Accordingly, NRC proposes to add the following new systems of records, NRC-43, "Employee Health Center Records--NRC," and NRC-44, "Employee Fitness Center Records--NRC," to read as follows:

NRC-43

SYSTEM NAME:

Employee Health Center Records--NRC.

SYSTEM LOCATION:

Primary system--NRC Employee Health Center, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

Duplicate systems--Duplicate systems may exist, in whole or in part, at the NRC's regional and other offices listed in Addendum I, Parts 1 and 2, and/or at any other health care facilities operating under a contract or agreement with NRC for health-related services. This system may contain some of the information maintained in other systems of records, including NRC-11, "General Personnel Records (Official Personnel Folder and Related Records)--NRC," NRC-17, "Occupational Injuries and Illness Records--NRC," and, when in effect, NRC-44, "Employee Fitness Center Records--NRC."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former NRC employees, consultants, contractors, other Government agency personnel, and anyone on NRC premises who requires emergency or first-aid treatment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system is comprised of records developed as a result of voluntary employee use of health services provided by the Health Center, and of emergency health services rendered by Health Center staff to individuals for injuries and illnesses suffered while on NRC premises. Specific information maintained on individuals includes, but is not limited to, their name, date of birth, and Social Security number; medical history and other biographical data; test reports and medical diagnoses based on employee health maintenance physical examinations or health screening programs (tests for single medical conditions or diseases); history of complaint, diagnosis, and treatment of injuries and illness rendered by the Health Center staff; immunization records; records of administration by Health Center staff of medications prescribed by personal physicians; medical consultation records; statistical records; daily log of patients; and medical documentation such as personal physician correspondence and test results submitted to the Health Center staff by the employee. Forms used to obtain or provide information include the following:

- (1) Employee Health Record
- (2) Immunization/Health Profile
- (3) Problem List
- (4) Progress Notes
- (5) Consent for Release of Medical Information
- (6) Against Medical Advice (AMA) Release
- (7) Patient Treatment Record
- (8) Injection Record
- (9) Allergy
- (10) Respirator Certification Form

- (11) Pre-travel Questionnaire
- (12) Flu Vaccine Form
- (13) Pneumonia Vaccine Form
- (14) TB Test Form
- (15) Office of Workers' Compensation Programs (OWCP) Occupational Injury Form
- (16) Medical History
- (17) Medical Examination
- (18) Prostate Symptoms Questionnaire
- (19) Proctosigmoidoscopy Form

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901; Executive Order 9397, November 22, 1943.

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 refer information required by applicable law to be disclosed to a Federal, State, or local public health service agency concerning individuals who have contracted certain communicable diseases or conditions in an effort to prevent further outbreak of the disease or condition.
- b. To disclose information to the appropriate Federal, State, or local agency responsible for investigation of an accident, disease, medical condition, or injury as required by pertinent legal authority.

c. To disclose information to the Office of Workers' Compensation Programs in connection with a claim for benefits filed by an employee.

d. To Health Center staff and medical personnel under a contract or agreement with NRC who need the information in order to schedule, conduct, evaluate, or follow up on physical examinations, tests, emergency treatments, or other medical and health care services.

e. To refer information to private physicians designated by the individual when requested in writing.

f. 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.

g. For any of the routine uses specified in 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 stored in file folders, on microfiche, on computer media, and on file cards, logs, x-rays, and other medical reports and forms.

RETRIEVABILITY:

Records are retrieved by the individual's name, date of birth, and Social Security number, or any combination of those identifiers.

SAFEGUARDS:

Records in the primary system are maintained in a building where access is controlled by a security guard force and entry to each floor is controlled by keycard. Records in the system are maintained in lockable file cabinets with access limited to agency or contractor personnel whose duties require access. The records are under visual control during duty hours. Access

to automated data requires use of proper password and user identification codes by authorized personnel.

RETENTION AND DISPOSAL:

Records documenting an individual employee's medical history, physical condition, and visits to Government health facilities, for nonwork-related purposes, are maintained for six years from the date of the last entry as are records on consultants, contractors, other Government agency personnel, and anyone on NRC premises who requires emergency or first-aid treatment in accordance with Government Records Schedule (GRS) 1-19. Health Center control records such as logs or registers reflecting daily visits are destroyed three months after the last entry if the information is summarized on a statistical report in accordance with GRS 1-20a and two years after the last entry if the information is not summarized in accordance with GRS 1-20b. Employees are given copies of their records if requested upon separation from the agency.

SYSTEM MANAGER(S) AND ADDRESSES:

Employee Assistance Program Manager, Office of Human Resources, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information pertaining to themselves should write to the Freedom of Information Act and Privacy Act Officer, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; comply with the procedures contained in NRC's Privacy Act regulations, 10 CFR Part 9; and provide their full name, any former name(s), date of birth, and Social Security number.

RECORD ACCESS PROCEDURES:

Same as "Notification Procedures."

CONTESTING RECORD PROCEDURES:

Same as "Notification Procedures."

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from a number of sources including, but not limited to, the individual to whom it pertains; laboratory reports and test results; NRC Health Center physicians, nurses, and other medical technicians or personnel who have examined, tested, or treated the individual; the individual's coworkers or supervisors; other systems of records; the individual's personal physician(s); NRC Fitness Center staff; other Federal agencies; and other Federal employee health units.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

NRC-44

SYSTEM NAME:

Employee Fitness Center Records--NRC.

SYSTEM LOCATION:

Primary system--NRC Fitness Center, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland.

Duplicate systems--Duplicate systems may exist, in whole or in part, at the NRC's regional and other offices listed in Addendum I, Parts 1 and 2, and/or at other facilities operating under a contract or agreement with NRC for fitness-related services. This system may contain some of the information maintained in other systems of records, including NRC-32, "Office of the Chief Financial Officer Financial Transactions and Debt Collection Management Records--NRC."

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NRC employees who apply for membership in the Fitness Center as well as current and inactive Fitness Center members.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system includes employees' applications to participate in NRC's Fitness Center, information on individuals' degree of physical fitness and their fitness activities and goals, and various forms, memoranda, and correspondence related to Fitness Center membership and financial/payment matters. Specific information contained in the application for membership includes the employee applicant's name, gender, age, Social Security number, height, weight, and medical information, including a history of certain medical conditions; the name of the individual's personal physician and any prescription or over-the-counter drugs taken on a regular basis; and the name and address of a person to be notified in case of emergency.

Forms used to obtain or provide information include the following:

- (1) Application Package
- (2) Release of Medical Information/Physician's Statement
- (3) Fitness Assessment
- (4) Pre-exercise Health Screening
- (5) Account Logs
- (6) Terminated Memberships
- (7) New Memberships
- (8) Monthly Dues Collected
- (9) Accident Report
- (10) "Dear Participant" Letter
- (11) Refund Request

- (12) Regional Employee Sign-in Log
- (13) Member of the Month
- (14) User Evaluation Form

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7901; Executive Order 9397, November 22, 1943.

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 the individual listed as an emergency contact, in the event of an emergency.
- b. To the National Archives and Records Administration or to the General Services Administration for records management inspections conducted under 44 U.S.C. 2904 or 2906.
- c. 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:

Records are maintained on computer media and in paper form in logs and files.

RETRIEVABILITY:

Information is indexed and accessed by an individual's name and/or Social Security number.

SAFEGUARDS:

Records in the primary system are maintained in a building where access is controlled by a security guard force and access to the Fitness Center is controlled by keycard and bar code verification. Records in paper form are stored alphabetically by individuals' names in lockable file cabinets maintained in the NRC Fitness Center where access to the records is limited to agency and Fitness Center personnel whose duties require access. The records are under visual control during duty hours. Automated records are protected by screen saver. Access to automated data requires use of proper password and user identification codes. Only authorized personnel have access to areas in which information is stored.

RETENTION AND DISPOSAL:

Fitness Center records are currently unscheduled and must be retained until the National Archives and Records Administration approves a records disposition schedule for this material.

SYSTEM MANAGER(S) AND ADDRESS:

Safety and Health Program Manager, Office of Human Resources, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this system of records contains information pertaining to themselves should write to the Freedom of Information Act and Privacy Act Officer,

Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and comply with the procedures contained in NRC's Privacy Act regulations, 10 CFR Part 9.

RECORD ACCESS PROCEDURES:

Same as "Notification Procedures."

CONTESTING RECORD PROCEDURES:

Same as "Notification Procedures."

RECORD SOURCE CATEGORIES:

Information in this system of records is principally obtained from the individuals upon whom the records are maintained. Other sources of information include, but are not limited to, the NRC Fitness Center Director and other staff, physicians retained by the NRC, the individuals' personal physicians, and other systems of records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated at Rockville, MD, this *20* day of *November*, 1998.

For the Nuclear Regulatory Commission.



A.J. Galante
Chief Information Officer