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TITLE: PR-MISC - 61FR20865 - PRIVACY ACT OF 1974, AS
AMENDED; ESTABLISHMENT OF A NEW SYSTEM OF
RECORDS

CASE REFERENCE: PR-MISC
61FR20865

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DOCKET NO. PR-MISC
(61FR20865)

In the Matter of
PRIVACY ACT OF 1974, AS AMENDED;
ESTABLISHMENT OF A NEW SYSTEM OF
RECORDS

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06/07/96

04/29/96

FEDERAL REGISTER NOTICE - PROPOSED RULE

DOCKET NUMBER
PROPOSED RULE **PR** misc
(61FR20865)

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NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Privacy Act of 1974, As Amended; Establishment of a New System of Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Establishment of a new system of records.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to establish a new Privacy Act System of Records, NRC-41, "Tort Claims and Personal Property Claims," to maintain records needed to evaluate, settle, refer, pay, and/or adjudicate claims filed by individuals against the NRC.

EFFECTIVE DATES: The new system of records will become effective without further notice on ~~(40 days from date of publication in the Federal Register)~~ ^{June 17, 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 7:45 am and 4:15 pm Federal workdays. Copies of comments received 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 or 800-638-8081.

SUPPLEMENTARY INFORMATION: NRC is proposing to establish a new System of Records, NRC-41, "Tort Claims and Personal Property Claims--NRC," that will be used to evaluate, settle, refer, pay, and/or adjudicate claims filed by individuals against the NRC.

The system of records (system) will contain information concerning claims by individuals who seek reimbursement from NRC for loss of or damage to personal property, personal injury, or death. It will also include information concerning individuals who have matters pending before the NRC that may result in a claim being filed. Specific information to be maintained in the system includes, but is not limited to, the individual's name, home address and phone number, work address and phone number, police reports, medical records, insurance information, and any other information necessary for the evaluation of claims or pre-claims.

A report on the proposed new system of records, required by 5 U.S.C. 552a(r) and Appendix I to Office of Management and Budget (OMB) Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About

Individuals," is being sent to OMB, the Committee on Governmental Affairs, U.S. Senate, and the Committee on Government Reform and Oversight, U.S. House of Representatives.

Accordingly, the NRC proposes to add NRC-41 to read as follows:

NRC-41

SYSTEM NAME:

Tort Claims and Personal Property Claims--NRC.

SYSTEM LOCATION:

Primary system--Office of the General Counsel, NRC, 11555 Rockville Pike, Rockville, Maryland.

Duplicate systems--Duplicate systems exist, in whole or in part, in the Office of the Controller (OC), NRC, 11545 Rockville Pike, Rockville, Maryland, and at the locations listed in Addendum I, Parts 1 and 2. Other NRC systems of records, including but not limited to, NRC-18, "Office of the Inspector General Investigative Records--NRC," and NRC-32, "OC Financial Transactions and Debt Collection Management Records--NRC," may contain some of the information in this system of records.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed claims with NRC under the Federal Tort Claims Act or the Military Personnel and Civilian Employees' Claims Act and individuals who have matters pending before the NRC that may result in a claim being filed.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information relating to loss or damage to property and/or personal injury or death in which the U.S. Government may be liable. This information includes, but is not limited to, the individual's name, home

address and phone number, work address and phone number, claim forms and supporting documentation, police reports, witness statements, medical records, insurance information, investigative reports, repair/replacement receipts and estimates, litigation documents, court decisions, and other information necessary for the evaluation and settlement of claims and pre-claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Tort Claims Act, 28 U.S.C. 2671 et seq.; The Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. 3721.

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, NRC may disclose information contained in a record 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 third parties, including claimants' attorneys, insurance companies, witnesses, potential witnesses, local police authorities where an accident occurs, and others who may have knowledge of the matter to the extent necessary to obtain information that will be used to evaluate, settle, refer, pay, and/or adjudicate claims.

b. To the Department of Justice (DOJ) when the matter comes within their jurisdiction, such as to coordinate litigation or when NRC's authority is limited and DOJ advice or approval is required before NRC can award, adjust, compromise, or settle certain claims.

c. To the appropriate Federal agency or agencies when a claim has been incorrectly filed with NRC or when more than one agency is involved and NRC

makes agreements with the other agencies as to which one will investigate the claim.

d. The Department of the Treasury to request payment of an award, compromise, or settlement of a claim.

e. Information contained in litigation records is public to the extent that the documents have been filed in a court or public administrative proceeding, unless the court or other adjudicative body has ordered otherwise. Such public information, including information concerning the nature, status, and disposition of the proceeding, may be disclosed to any person, unless it is determined that release of specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

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.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

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

Disclosure of information to a consumer reporting agency is not considered a routine use of records. Disclosures may be made from this system of records 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 of records is stored on paper, in log books, and on computer media.

RETRIEVABILITY:

Information in this system of records is indexed and accessed by the claimant's name and/or claim number.

SAFEGUARDS:

The paper records and log books are stored in locked file cabinets or locked file rooms, and access is restricted to those agency personnel whose official duties and responsibilities require access. Automated records are protected by password.

RETENTION AND DISPOSAL:

a. Tort claims and employee claims are destroyed six years and three months after payment or disallowance in accordance with General Records Schedule (GRS) 6-10.a.

b. Claims affected by a court order or subject to litigation are destroyed after the related action is concluded, or when six years and three months old, whichever is later, in accordance with GRS 10-6.c.

c. Log books are destroyed or deleted when no longer needed in accordance with GRS 23-8.

d. Copies of memoranda contained on electronic media are deleted when no longer needed for updating or revision in accordance with GRS 20-13.

e. Copies of tort claims and personal property claims that become part of NRC's Litigation Case Files are retained by the Government permanently in accordance with NRC Schedule (NRCS) 2-13.4.

SYSTEM MANAGER:

Deputy Assistant General Counsel for Administration, Office of the General Counsel, 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.

RECORD ACCESS PROCEDURES:

Same as "Notification Procedure."

CONTESTING RECORD PROCEDURES:

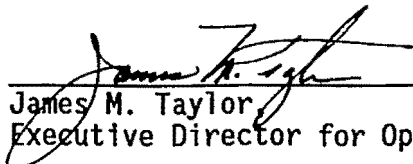
Same as "Notification Procedure."

RECORD SOURCE CATEGORIES:

Information is obtained from a number of sources, including but not limited to, claimants, NRC employees involved in the incident, witnesses or others having knowledge of the matter, police reports, medical reports, investigative reports, insurance companies, and attorneys.

Dated at Rockville, MD, this 20th day of April, 1996.

For the Nuclear Regulatory Commission.


James M. Taylor
Executive Director for Operations.