

Office of the Secretary

[Docket ID: DoD-2020-OS-XXXX]

Privacy Act of 1974; System of Records

AGENCY: Defense Threat Reduction Agency (DTRA), Department of Defense (DoD).

ACTION: Notice of a modified System of Records.

SUMMARY: The DTRA proposes to modify a System of Records, entitled “Nuclear Test Participants, HDTRA 010.” Each year, the DTRA uses this System of Records to respond to over 700 atomic veteran radiogenic disease compensation inquiries from the Departments of Justice (DOJ) and Department of Veterans Affairs (VA). DTRA’s responses include verification of participation in nuclear testing programs or military operations for presumptive claims, and radiation dose assessments for non-presumptive claims. The intended effect of modifying the System of Records is to increase accuracy, decrease DTRA’s response time to inquiries, and improve information sharing with other government agencies.

DATES: This System of Records modification is effective upon publication; however, comments on the Routine Uses will be accepted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]. The Routine Uses are effective at the close of the comment period.

ADDRESSES: You may submit comments, identified by docket number and, by any of the following methods:

* Federal Rulemaking Portal: <https://www.regulations.gov>

Follow the instructions for submitting comments.

* Mail: Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name and docket number for this Federal Register document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Pamela Andrews, DTRA Privacy Officer, Officer of the General Counsel, Freedom of Information Act and Privacy Office (FOIA/PA), 8725 John J. Kingman Road, MSC 6201, Fort Belvoir, VA 22060 or by calling (703) 767-1792.

SUPPLEMENTARY INFORMATION: DTRA is modifying the existing System of Records by updating the following sections: purpose, categories of individuals, categories of records, record source categories, authorities, routine uses, storage, retrievability, safeguards, retention and disposal, system manager(s) and address, notification procedures, record access procedures, and contesting record procedures. This system is used by agency officials and employees, or authorized contractors, and other DoD components to help the VA and DOJ in responding to claims, and to provide information to organizations responsible for studies concerning the health effects of ionizing radiation. These records are used by DTRA employees to respond to over 700 atomic veteran radiogenic disease compensation inquiries from the DOJ and the VA each year. DTRA personnel verify participation in nuclear testing programs or

military operations for presumptive claims, and radiation dose assessments for non-presumptive claims.

The DoD notices for Systems of Records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register, and are available from the address in FOR FURTHER INFORMATION CONTACT or at the Defense Privacy, Civil Liberties and Transparency Division website at <https://dpcl.d.defense.gov>.

The proposed system reports, as required by the Privacy Act of 1974, as amended, were submitted on [INSERT DATE], to the House Committee on Oversight and Reform, the Senate Committee on Homeland Security and Governmental Affairs, and to the Office of Management and Budget (OMB) pursuant to Section 6 of OMB Circular No. A-108, “Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,” revised December 23, 2016 (December 23, 2016, 81 FR 94424).

Dated:

Aaron T. Siegel

Alternate OSD Federal Register Liaison Officer, Department of Defense.

SYSTEM NAME AND NUMBER: Nuclear Test Participants, HDTRA 010

SYSTEM CLASSIFICATION: Unclassified

SYSTEM LOCATION: Nuclear Test Personnel Review (NTPR) Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

SYSTEM MANAGER(S): NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6201.

E-mail Address: dtra-ntpr@mail.mil.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: Atomic Energy Act of 1954; Radiation Exposure Compensation Act; 42 U.S.C. 2013, The Public Health and Welfare; 38 U.S.C. 1112, Presumptions Relating to Certain Diseases and Disabilities; 38 U.S.C. 1154, Consideration to be Accorded Time, Place, and Circumstances of Service; 38 CFR 3.309, Disease Subject to Presumptive Service Connection; 38 CFR 3.311, Claims Based on Exposure to Ionizing Radiation, and E.O. 9397 (SSN), as amended.

PURPOSE(S) OF THE SYSTEM: The Nuclear Test and Radiological Review (NTRR) program uses the Nuclear Test Participants System of Records, which provides access to a comprehensive database containing information about participation and dose information for over 500,000 individuals involved in United States atmospheric nuclear testing (1945-1962), the military occupation forces of Hiroshima and Nagasaki, Japan, or those who were prisoners of war (POWs) in Japan at the conclusion of World War II. The system similarly supports an analogous 50,000 DoD personnel associated with U.S. underground nuclear weapon testing (1951-1992), and 6,000 DoD personnel associated with the radiological clean-up of the Pacific Proving Ground (1960s-1980). The NTRR Program has many elements designed to assist military and civilian test participants, to help the VA and the DOJ in responding to claims, and to

provide information to organizations responsible for studies concerning the health effects of ionizing radiation. These elements include the following: (a) Researching participation and establishing a register of DoD participants; (b) Collecting and analyzing all known sources of recorded dosimetry and radiation data applicable to participants, and reconstructing doses in cases where recorded doses are unavailable or incomplete; (c) Maintaining a comprehensive database of participation and dose information, along with supporting archival materials and documents; (d) Conducting an extensive public outreach program to ensure maximum interface with the supported participants; (e) Maintaining the history of each U.S. atmospheric nuclear weapons test operation; (f) Supporting studies to determine whether participants experience adverse health effects as a result of their test activities; and (g) Providing accurate and timely responses to requests for information from incoming inquiries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: Veterans and former DoD civilian participants of the U.S. nuclear testing programs from 1945 to 1992, U.S. military occupation forces assigned to Hiroshima or Nagasaki from August 6, 1945 to July 1, 1946, U.S. POWs in Japan at the conclusion of WWII, and DoD participants involved in the cleanup of the Pacific Proving Ground nuclear tests from the 1960s to 1980.

CATEGORIES OF RECORDS IN THE SYSTEM: Name, Social Security Number (SSN), date of birth, place of birth, gender, last known or current address, home/cell phone number, DoD ID number, dates and extent of test participation, radiation exposure data, unit of assignment, medical data, rank, grade, service affiliation, and documentation relative to administrative claims or civil litigation.

RECORD SOURCE CATEGORIES: Retired Military Personnel records from the National

Personnel Records Center, all versions of the US DTRA Form 150 from individuals voluntarily contacting DTRA or other elements of DoD or other Government Agencies by phone or mail.

DoD historical

records, dosimetry records and records from the Department of Energy, Department of Veterans Affairs, the Social Security Administration, the Internal Revenue Service, and the Department of Health and Human Services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING

CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, the records contained herein may specifically be disclosed to the following entities outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3):

- a. To the VA for the purpose of processing claims by individuals who allege service-connected disabilities as a result of participation in nuclear test programs or military operations, as well as litigation actions.
- b. To the DOJ and the Department of Labor (DOL) for the purpose of processing claims by individuals alleging job-related disabilities as a result of participation in nuclear test programs or military operations, and for litigation actions.
- c. To the Department of Energy (DOE) for the purpose of identifying DOE employees and contractor personnel who were, or may be in the future, involved in nuclear test programs or military operations and for DOE's use in processing claims or litigation actions.
- d. To the Department of Health and Human Services for the purpose of conducting epidemiological studies on the effects of ionizing radiation on participants of nuclear test programs.

- e. To the Veterans Board on Dose Reconstruction for the purposes of aiding officials reviewing and overseeing the DoD Radiation Dose Reconstruction Program.
- f. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government when necessary to accomplish an agency function related to this System of Records. Information may be released to individuals or their authorized representatives.
- g. To the appropriate Federal, State, local, territorial, tribal, foreign, or international law enforcement authority or other appropriate entity where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law, whether criminal, civil, or regulatory in nature.
- h. To any component of the DOJ for the purpose of representing the DoD, or its components, officers, employees, or members in pending or potential litigation to which the record is pertinent.
- i. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body or official, when the adjudicator, DoD official(s) or other agency official(s) representing DoD determine(s) that the records are relevant and necessary to the proceeding.
- j. To the National Archives and Records Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. §§ 2904 and 2906.
- k. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.
- l. To appropriate agencies, entities, and persons when (1) the DoD suspects or has confirmed

that there has been a breach of the System of Records; (2) the DoD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the DoD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the DoD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

m. To another Federal agency or Federal entity, when the DoD determines that information from this System of Records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS: Records are maintained in microfilm/fiche, paper and electronic storage media, in accordance with the safeguards mentioned below.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS: The records are retrieved by name, SSN, DoD Identification Number, or any combination of the foregoing.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS: Records are permanent. DTRA retains physical and legal custody for 75 years after case termination, then the records are transferred and accessioned to NARA.

ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS: Administrative: Backups secured off-site, encryption of backups containing sensitive data, methods to ensure only authorized personnel access to PII, periodic security audits, and records are limited to

person(s) responsible for servicing the record in the performance of their official duties and who are properly screened and cleared for need-to-know. Technical: Encryption of data at rest, firewall, role-based access controls, Virtual Private Network (VPN), Common Access Card (CAC), encryption of data in transit, intrusion detection system (IDS), DoD public key infrastructure certificates, least privilege access, user identification and password. Physical safeguards: cipher locks, combination locks, key card, security guards, closed circuit (CCTV), identification badges, safes. Security Guards and CCTV are used at some sites. Records are maintained in a controlled facility and entry is restricted by the use of security guards and intrusion alarm systems. Paper records, microfilm/fiche, and computer systems are accessible only by authorized personnel. Access to digital data requires user validation prior to use.

RECORD ACCESS PROCEDURES: Individuals seeking access to information about themselves contained in this System of Records should address written requests to the NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Drive, Ft. Belvoir, VA 22060-6201. Signed written requests should include the individual's full name, telephone number, street address, email address, and name and number of this System of Records Notice. In addition, the requestor must provide either a notarized statement or a declaration made in accordance with 28 U.S.C. 1746, using the following format:

If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)." If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

For personal visits to access records at DTRA, the individual will be required to provide a military or civilian identification card.

CONTESTING RECORD PROCEDURES: The DTRA’s rules for accessing records, contesting contents, and appealing initial agency determinations are obtained from the DTRA Freedom of Information/Privacy Act Office by emailing dtrafoiaprivacy@mail.mil or by calling (703) 767-1792.

NOTIFICATION PROCEDURES: Individuals seeking to determine if information about themselves is contained in this system should address written and signed inquiries to the NTPR Program Manager, Nuclear Test Personnel Review Office, Defense Threat Reduction Agency, 8725 John J. Kingman Drive, Ft. Belvoir, VA 22060-6201. Signed, written requests must contain the individual’s full name, telephone number, mailing/home address, and number of the System of Records Notice. In addition, the requester must provide either a notarized statement or an unsworn declaration made in accordance with 28 U.S.C. 1746, in the following format:

If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).”

If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”

EXEMPTIONS PROMULGATED FOR THE SYSTEM: None.

HISTORY: August 26, 2009, 74 FR 54975; May 11, 2012, 77 FR 27739.