§ 1304.106 Processing of requests.

Upon receipt of a request for information, the Privacy Act Officer will ascertain:

Whether the records identified by the requester exist, and

Whether they are subject to any exemption under §1304.115. If the records exist and are not subject to exemption, the Privacy Officer will provide the information.

(a) Requests in writing, including those sent by e-mail, via the Web site, or by fax. Within five working days of receiving the requests the Privacy Act Officer will acknowledge its receipt and will advise the requester of any additional information that may be needed. Within 15 working days of receiving the request, the Privacy Act Officer will send the requested information or will explain to the requester why additional time is needed for a response.

(b) Requests in person or by telephone. Within 15 days of the initial request, the Privacy Act Officer will contact the requester and arrange an appointment at a mutually agreeable time when the records can be examined. The requester may be accompanied by one person. The requestor should inform the Privacy Act Officer that a second individual will be present and must sign a statement authorizing disclosure of the records to that person. The statement will be kept with the requester's records. At the appointment, the requester will be asked to present identification as stated in §1304.105.

(c) Excluded information. If a request is received for information compiled in reasonable anticipation of litigation, the Privacy Officer will inform the requester that the information is not subject to release under the Privacy Act (see 5 U.S.C. 552a(d)(5)).

§ 1304.107 Fees.

A fee will not be charged for searching, reviewing, or making corrections to records. A fee for copying will be assessed at the same rate established for Freedom of Information Act requests. Duplication fees for paper copies of a record will be 10 cents per page for black and white and 20 cents per page for color. For all other forms of duplication, the Board will charge the direct costs of producing the copy. However, the first 100 pages of black-and-white copying or its equivalent will be free of charge.

§ 1304.108 Appealing denials of access.

If access to records is denied by the Privacy Act Officer, the requester may file an appeal in writing. The appeal should be directed to Executive Director; U.S. Technical Review Board; 2300 Clarendon Blvd., Suite 1300; Arlington, VA 22201. The appeal letter must:

Specify the denied records that are still sought; and

State why denial by the Privacy Act Officer is erroneous.

The Executive Director or his or her designee will respond to such appeals within 20 working days of the receipt of the appeal letter in the Board offices. The appeal determination will explain the basis of the decision to deny or grant the appeal.

§ 1304.109 Requests for correction of records.

(a) Correction requests. Any person is entitled to request correction of his or her record(s) covered under the Act. The request must be made in writing and should be addressed to Privacy Act Officer; U.S. Nuclear Waste Technical Review Board; 2300 Clarendon Blvd., Suite 1300; Arlington, VA 22201. The letter should clearly identify the corrections desired. In most circumstances, an edited copy of the record will be acceptable for this purpose.

(b) Initial response. Receipt of a correction request will be acknowledged
by the Privacy Act Officer in writing
within 5 working days. The Privacy
Act Officer will endeavor to provide
a letter to the requester within 20 work-
ing days stating whether the request
for correction has been granted or de-
nied. If the Privacy Act Officer denies
any part of the correction request, the
reasons for the denial will be provided
to the requester.

§ 1304.110 Disclosure of records to
third parties.

(a) The Board will not disclose any
record that is contained in a system of
records to any person or agency, except
with a written request by or with the
prior written consent of the individual
whose record is requested, unless dis-
closure of the record is:

(1) Required by an employee or agent
of the Board in the performance of his/
her official duties.

(2) Required under the provisions
of the Freedom of Information Act (5
U.S.C. 552). Records required to be
made available by the Freedom of In-
formation Act will be released in re-
sponse to a request in accordance with
the Board’s regulations published at 10
CFR part 1303.

(3) For a routine use as published in
the annual notice in the FEDERAL REG-
ISTER.

(4) To the Census Bureau for planning
or carrying out a census, survey, or re-
lated activities pursuant to the provi-
sions of Title 13 of the United States
Code.

(5) To a recipient who has provided
the Board with adequate advance writ-
ten assurance that the record will be
used solely as a statistical research or
reporting record and that the record is
to be transferred in a form that is not
individually identifiable.

(6) To the National Archives and
Records Administration as a record
that has sufficient historical or other
value to warrant its continued preser-
vation by the United States govern-
ment, or for evaluation by the Archi-
vist of the United States, or his or her
designee, to determine whether the
record has such value.

(7) To another agency or to an instrumen-
tality of any governmental jurisdic-
tion within or under the control of
the United States for a civil or crimi-
nal law enforcement activity, if the ac-
tivity is authorized by law, and if the
head of the agency or instrumentality
has made a written request to the
Board for such records specifying the
particular part desired and the law en-
forcement activity for which the record
is sought. The Board also may disclose
such a record to a law enforcement
agency on its own initiative in situa-
tions in which criminal conduct is sus-
ppected, provided that such disclosure
has been established as a routine use,
or in situations in which the mis-
conduct is directly related to the pur-
pose for which the record is main-
tained.

(8) To a person pursuant to a showing
of compelling circumstances affecting
the health or safety of an individual if,
upon such disclosure, notification is
transmitted to the last known address
of such individual.

(9) To either House of Congress, or, to
the extent of matters within its juris-
diction, any committee or sub-
committee thereof, any joint com-
mittee of Congress, or subcommittee of
any such joint committee.

(10) To the Comptroller General, or
any of his or her authorized representa-
tives, in the course of the performance
of official duties of the Government
Accountability Office.

(11) Pursuant to an order of a court of
competent jurisdiction. In the event
that any record is disclosed under such
compulsory legal process, the Board
shall make reasonable efforts to notify
the subject individual after the process
becomes a matter of public record.

(12) To a consumer reporting agency
in accordance with 31 U.S.C. 3711(e).

(b) Before disseminating any record
about any individual to any person
other than a Board employee, the
Board shall make reasonable efforts to
ensure that the records are, or at the
time they were collected were, accu-
rate, complete, timely, and relevant.
This paragraph (b) does not apply to
disseminations made pursuant to the
provisions of the Freedom of Informa-
tion Act (5 U.S.C. 552) and paragraph
(a)(2) of this section.