§ 1303.115
(d) **Denial of appeal.** An adverse determination by the Executive Director shall be the final action of the Board.
(e) **Unacceptable appeals.** An appeal will not be acted on if the request becomes a matter of FOIA litigation.

§ 1303.115 **Preservation of records.**
The Board shall preserve all correspondence pertaining to the requests that it receives under this part, as well as copies of all requested records, until disposition or destruction is authorized by title 44 of the United States Code or the National Archives and Records Administration’s General Records Schedule 14. Records will not be disposed of while they are the subject of a pending request, appeal, or lawsuit.

§ 1303.116 **Other rights and services.**
Nothing in this part shall be construed to entitle any person, as a right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

PART 1304—PRIVACY ACT OF 1974

Sec.
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**AUTHORITY:** 5 U.S.C. 552a(f).

**SOURCE:** 72 FR 8879, Feb. 28, 2007, unless otherwise noted.

§ 1304.101 **Purpose and scope.**
This part sets forth the policies and procedures of the U.S. Nuclear Waste Technical Review Board (Board) regarding access to systems of records maintained by the Board under the Privacy Act of 1974, Public Law 93–579, 5 U.S.C. 552a. The provisions in the Act shall take precedence over any part of the Board’s regulations in conflict with the Act. These regulations establish procedures by which an individual may exercise the rights granted by the Privacy Act to determine whether a Board system contains a record pertaining to him or her; to gain access to such records; and to request correction or amendment of such records. These regulations also set identification requirements and prescribe fees to be charged for copying records.

§ 1304.102 **Definitions.**
The terms used in these regulations are defined in the Privacy Act of 1974, 5 U.S.C. 552a. In addition, as used in this part:
(a) **Agency** means any executive department, military department, government corporation, or other establishment in this executive branch of the Federal Government, including the Executive Office of the President or any independent regulatory agency;
(b) **Individual** means any citizen of the United States or an alien lawfully admitted for permanent residence;
(c) **Maintain** means to collect, use, store, or disseminate records as well as any combination of these recordkeeping functions. The term also includes exercise of control over, and therefore responsibility and accountability for, systems of records;
(d) **Record** means any item, collection, or grouping of information about an individual that is maintained by the Board and contains the individual’s name or other identifying information, such as a number or symbol assigned to the individual or his or her fingerprint, voice print, or photograph. The term includes, but is not limited to, information regarding an individual’s education, financial transactions, medical history, and criminal or employment history;
(e) **System of records** means a group of records under the control of the Board from which information is retrievable by use of the name of the individual or by some number, symbol, or other identifying particular assigned to the individual;
§ 1304.105 Requests for access to records.

(a) All requests for records should include the following information:
(1) Full name, address, and telephone number of requester.
(2) The system of records containing the desired information.
(3) Any other information that the requester believes would help locate the record.

(b) Requests in writing. A person may request access to his or her own records in writing by addressing a letter to: Privacy Act Officer; U.S. Nuclear Waste Technical Review Board; 2300 Clarendon Blvd., Suite 1300; Arlington, VA 22201.

(c) Requests via the internet. Internet requests should be transmitted through the Board’s Web site at www.nwtrb.gov, using the “Contact NWTRB” icon on the bottom of the main page. The words “Privacy Act” should appear on the subject line.

(d) Requests in person. Any person may examine and request copies of his

(f) Routine use means, with respect to the disclosure of a record, the use of a record for a purpose that is compatible with the purpose for which it was collected;

(g) Designated Privacy Act Officer means the person named by the board to administer the Board’s activities in regard to the regulations in this part. The Privacy Act Officer also shall be the following:
(1) The Board officer having custody of, or responsibility for, agency records in the possession of the Board.
(2) The Board officer having responsibility for authorizing or denying production of records from requests filed under the Privacy Act.

(h) Executive Director means the chief operating officer of the Board;

(i) Member means an individual appointed to serve on the Board by the President of the United States;

(j) Days means standard working days, excluding weekends and federal holidays; and

(k) Act refers to the Privacy Act of 1974.