

## PART 1303—PUBLIC INFORMATION AND REQUESTS

Sec.	
1303.101	Scope.
1303.102	Definitions.
1303.103	Public reading area.
1303.104	Board records exempt from public disclosure.
1303.105	Requests for Board records.
1303.106	Responsibility, form, and content of responses.
1303.107	Timing of responses to requests.
1303.108	Fees.
1303.109	Restriction on charging fees.
1303.110	Notice of anticipated fees.
1303.111	Requirements for waiver or reduction of fees.
1303.112	Denials.
1303.113	Business information.
1303.114	Appeals.
1303.115	Preservation of records.
1303.116	Other rights and services.

AUTHORITY: 5 U.S.C. 301, 5 U.S.C. 552 as amended, Executive Order 12600 (3 CFR 1988 Comp., p. 235)

SOURCE: 70 FR 47080, Aug. 12, 2005, unless otherwise noted.

### § 1303.101 Scope

This part sets forth the policies and procedures of the U.S. Nuclear Waste Technical Review Board (Board) regarding public access to documents under the Freedom of Information Act (FOIA), 5 U.S.C. 552. The provisions in the Act shall take precedence over any part of the Board's regulations in conflict with the Act. This part gives the procedures the public may use to inspect and obtain copies of Board records under the FOIA, including administrative procedures which must be exhausted before a request invokes the jurisdiction of an appropriate United States District Court for the Board's failure to respond to a proper request within the statutory time limits, for a denial of Board records or challenges to the adequacy of a search, or for denial of fee waiver.

### § 1303.102 Definitions.

For words used in this part, unless the context varies otherwise, singular includes the plural, plural includes the singular, present tense includes the future tense, and words of one gender include the other gender.

(a)(1) Agency records—include materials that are in the control of the

Board and associated with Board business, as follows:

- (i) Materials produced by the Board.
  - (ii) Materials produced a consultant for the Board.
  - (iii) Materials distributed by presenters at a Board meeting.
- (2) All references to records, include both the entire record, or any part of the record.
- (b) Board—The U.S. Nuclear Waste Technical Review Board.
  - (c) Chairman—The Chairman of the Board as designated by the President.
  - (d) Designated FOIA Officer—The person named by the Board to administer the Board's activities in regard to the regulations in this part. The FOIA Officer also shall be:

(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 Freedom of Information Act.

(e) Executive Director—The chief operating officer of the Board.

(f) Member—An individual appointed to serve on the Board by the President of the United States.

(g) Days—Standard working days, excluding weekends and federal holidays.

### § 1303.103 Public reading area.

(a) A public reading area is available at the Board office located at 2300 Clarendon Blvd., Suite 1300, Arlington, Virginia 22201. To use the reading area, contact the Director of Administration by:

(1) Letter to the address in this paragraph (a):

(2) Telephone: 703-235-4473;

(3) A request to the Board's Web site at <http://www.nwtrb.gov>; or

(4) Fax: 703-532-4495.

(b) Documents also may be requested through the Board's Web site or by letter or fax. Please ensure that the records sought are clearly described. Materials produced by the Board are in the public domain unless otherwise noted.

(c) Many Board records are available electronically at the Board's Web site (<http://www.nwtrb.gov>).

(d) Records of the Board available for inspection and copying include: