

Dated: November 9, 2006.

**Marilyn Marton,**

*Director, Office of Small and Disadvantaged Business Utilization (OSDBU).*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**49 CFR Part 604**

[Docket No. FTA-2005-22657]

RIN 2132-AA85

**Charter Service Negotiated Rulemaking Advisory Committee**

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of meeting location and time of the meeting.

**SUMMARY:** This notice lists the location and time of the next Charter Bus Negotiated Rulemaking Advisory Committee (CBNRAC) meeting.

**DATES:** *Effective Date:* November 22, 2006.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Martineau, Attorney-Advisor, Office of the Chief Counsel, Federal Transit Administration, 202-366-1936 ([elizabeth.martineau@dot.gov](mailto:elizabeth.martineau@dot.gov)). Her mailing address at the Federal Transit Administration at 400 Seventh Street, SW., Room 9316, Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:**

**Meeting Location**

The Residence Inn Marriott, 550 Army Navy Drive, Arlington, VA 22202.

**Meeting Time**

December 6th, 9 a.m.–4:30 p.m.  
December 7th, 8:30 a.m.–4 p.m.

Issued this 16th day of November, 2006, in Washington, DC.

**James S. Simpson,**  
*Administrator.*

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**NATIONAL TRANSPORTATION SAFETY BOARD**

**49 CFR Part 801**

**Public Availability of Information**

**AGENCY:** National Transportation Safety Board (NTSB).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The NTSB is proposing to amend 49 *Code of Federal Regulations*

(CFR) Part 801, “Public Availability of Information,” to include updated information regarding the availability of NTSB records. This amendment updates the NTSB regulations that implement the Freedom of Information Act (FOIA) and Privacy Act, notifies the public of changes in the NTSB’s Freedom of Information Act processing procedures and, in general, advises the public on the availability of information from NTSB accident investigations.

**DATES:** Submit comments on or before December 22, 2006.

**ADDRESSES:** Mail comments concerning this proposed rule to Gary L. Halbert, General Counsel, National Transportation Safety Board, 490 L’Enfant Plaza, SW., Washington, DC 20594-2000.

**FOR FURTHER INFORMATION CONTACT:** Gary L. Halbert, (202) 314-6080.

**SUPPLEMENTARY INFORMATION:**

**Proposed Revision to § 801.1, Applicability**

The NTSB seeks to amend § 801.1 in order to clarify the NTSB’s implementation of the provisions of the Freedom of Information Act, and update the relevant statutory citations.

**Proposed Revision to § 801.2, Policy**

The NTSB seeks to amend § 801.2 in order to emphasize that persons seeking information from the NTSB need not submit a request under the FOIA, but instead should first search for information that is publicly available. Although the NTSB makes “public docket” of investigative information available to the public at the conclusion of each investigation, the NTSB still receives hundreds of FOIA requests each year for the same or similar information. Many FOIA requesters find that the information they receive from the NTSB, beyond that already in the public docket, is not helpful to them. Section 801.2 emphasizes this point and encourages requesters to obtain the public docket of investigative information before they consider submitting a FOIA request.

**Proposed Revision to § 801.3, Definitions**

The NTSB seeks to amend § 801.3 in order to update existing definitions, and in order to include definitions for the terms, “public docket” and “non-docket,” which are unique to the NTSB.

**Proposed Revision to § 801.10, General**

The NTSB seeks to amend § 801.10 to replace references to “Director, Bureau of Administration” with “Chief, Records Management Division.” The NTSB no

longer has a Director, Bureau of Administration.

In addition, the NTSB seeks to amend § 801.10 in order to update the deadline by which the NTSB must respond to requests for information under the FOIA; Congress amended the FOIA in 1996 to expand the response deadline from 10 working days to 20 working days. 5 U.S.C. 552(a)(6)(A)(i). The NTSB’s proposed amendment to § 801.10(b) reflects this change. In updating this provision, however, the NTSB notes that the FOIA does not require an agency to search for records, meet time deadlines, or release any records until the agency has received a FOIA request. A request for information under the FOIA must comply with published regulations before an agency is required to consider it a proper FOIA request.

The NTSB also seeks to amend § 801.10 to notify persons seeking information that the NTSB will deny requests for information related to an ongoing investigation, in accordance with the exemptions of the FOIA.

The other proposed amendments to § 801.10 clarify the general requirements for submitting a FOIA request to the NTSB.

**Proposed Revision to § 801.11, Segregability of Records**

The NTSB seeks to amend § 801.11 in order to update the title of the NTSB employee who makes a segregability determination. The amendments also clarify the NTSB’s practice of segregating exempt portions of a record from non-exempt portions via redaction, when possible.

**Proposed Revision to § 801.12, Protection of Records**

The NTSB seeks to amend § 801.12 in order to provide a cross-reference to another relevant section within this title, and to add to a quotation of 18 U.S.C. 641. In general, the NTSB intends to retain the majority of this section as the NTSB originally enacted it, in order to cite the specific penalties that a person will encounter if they attempt to steal, alter, mutilate, obliterate, or destroy an agency record.

**Proposed Addition of § 801.20, Processing of Records**

The NTSB seeks to add § 801.20 to this part, in order to notify persons seeking information concerning the NTSB FOIA Office’s “tracking” system for processing requests. This system allows the NTSB to process requests more efficiently; rather than allowing a complex, broad request to inhibit the processing of simpler requests, the