

## § 801.3

## 49 CFR Ch. VIII (10–1–02 Edition)

### § 801.3 Definitions.

*Record* includes any writing, drawing, map, recording, tape, film, photo, or other documentary material by which information is preserved, and this definition also applies to section 306(a) of the Independent Safety Board Act of 1974, which requires public access to any information. In this part, *document* and *record* shall have the same meaning.

*Chairman* means the Chairman of the Board.

*Managing Director* means the Managing Director of the Board.

### Subpart B—Administration

#### § 801.10 General.

(a) The Director, Bureau of Administration, is responsible for the custody and control of all Board records required to be preserved under directives of the General Services Administration, issued pursuant to 44 U.S.C. 3102.

(b) The Director, Bureau of Administration, shall be solely responsible for the initial determination of whether to release records within the 10 working days' limit, or the extension specified in the Freedom of Information Act.

(c) The Public Inquiries Section, Bureau of Administration, shall:

(1) Maintain for public access and commercial reproduction all accident files containing aviation and surface investigator's reports, factual accident reports or group chairman reports, documentation and accident correspondence files, transcripts of public hearings, if any, and exhibits.

(2) Maintain a public reference room (with self-service duplicator) and, on request, permit the public to inspect public documents during normal working hours.

(3) Maintain copies of public documents, specified in the appendix, for inspection and copying in the public reference room.

(d) Requests for documents must be addressed to the Public Inquiries Section, National Transportation Safety Board, Washington, DC 20594. All requests must reasonably identify the record requested, must be accompanied by the fee or agreement (if any) to pay the reproduction costs shown in the fee

schedule (see appendix), and must contain the address and telephone number of the person making the request. The envelope in which the request is sent should be marked prominently with the letters "FOIA." The Bureau of Administration, if there is a failure to comply fully, will attempt to contact the requester immediately to rectify the omission. However, the 10-working-day limit for processing shall not commence until the Bureau of Administration receives a totally correct request.

(e) The field offices of the Board shall not maintain, for public access, records maintained by the Bureau of Administration. If requests are made to field offices, advice will be promptly given as to how to make such requests.

(f) The Bureau of Administration shall maintain a contract with a commercial reproduction firm to accommodate requests for reproduction of accident records. The reproduction charges may be subject to change with each contract renewal.

(g) Requests for documents generated by other agencies or entities will not be processed unless they are contained in the Board's accident files.

(h) Requests for records not yet issued will be held in abeyance until issuance and then processed. The person making the request will be so notified.

(i) No charge will be made by the Board for notices, decisions, orders, etc., required by law to be served on a party to any proceeding or matter before the Board.

(j) Upon approval of the Director, Bureau of Administration, subscriptions to Board publications may be entered without charge for States, organizations, or other entities specified in the fee schedule set forth in the appendix.

#### § 801.11 Segregability of records.

The initial decision of the Director, Bureau of Administration shall include a determination of segregability. If it is reasonable to do so, the exempt portions will be deleted and the non-exempt portions will be sent to the requester.

#### § 801.12 Protection of records.

(a) No person may, without permission, remove from the place where it is