



# National Transportation Safety Board

Washington, D.C. 20594

SEP 21 2010

Office of the Chairman

The Honorable James L. Oberstar  
Chairman  
Transportation and Infrastructure Committee  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Oberstar:

Regarding the proposed legislation to reauthorize the National Transportation Safety Board (NTSB), you have asked whether current practices of the NTSB are consistent with the provisions contained in Section 6, paragraph (b) of the House draft bill. We believe our current guidance and practices are consistent with the language of those provisions.

For many years, the NTSB has issued guidance to parties to our investigations to instruct them on how to comply with our regulations governing the conduct of safety investigations. The regulations are contained at 49 *C.F.R.* Part 831. Along with that guidance, we ask party representatives, other than those representing governmental entities, to sign an acknowledgment that they understand these rules.

During the past year, the NTSB updated and strengthened our guidance and revised the acknowledgment form. The formal guidance was issued in May of this year. In each accident investigation in each of our modes, this guidance is now issued to party representatives, and they are asked to sign the acknowledgment form. As before, government law enforcement and regulatory agencies are not required to sign the form.

Important to Section 6, paragraph (b) of the House draft bill is a requirement that the investigator-in-charge authorize in writing a party representative to disclose to a parent organization investigative information as necessary to prevent additional accidents, to address a perceived safety deficiency, or to assist in the conduct of the investigation. Under our revised procedures, this authorization may be accomplished orally and memorialized later by a "writing," such as an e-mail. We believe our procedure not only fits the typical dynamic accident investigation situation, it also is consistent with the spirit of the draft legislation.

Thank you for your consideration of our investigative procedures, and for your strong efforts to pass legislation to reauthorize the NTSB during the 111th Congress.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Hersman", with a long, sweeping horizontal line extending to the right.

Deborah A. P. Hersman  
Chairman