

AEA NY E5 Lake Placid, NY [NEW]

Lake Placid Airport, NY

(Lat. 44°15'52" N., long. 73°57'43" W.)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Lake Placid Airport, excluding that portion that coincides with the Saranac Lake, NY Class E airspace area.

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Issued in Jamaica, New York on April 17, 2003.

Loretta Martin,

Acting Assistant Manager, Air Traffic Division, Eastern Region.

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DEPARTMENT OF COMMERCE**National Institute of Standards and Technology****15 CFR Part 270**

[Docket No: 021224331-3093-03]

RIN 0693-AB52

Procedures for Implementation of the National Construction Safety Team Act

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Director of the National Institute of Standards and Technology (NIST), Technology Administration, United States Department of Commerce, is today issuing a final rule amending regulations found at 15 CFR part 270 implementing the National Construction Safety Team Act ("Act"). An interim final rule with a request for public comments containing general provisions regarding implementation of the Act and establishing procedures for the collection and preservation of evidence obtained and the protection of information created as part of investigations conducted pursuant to the Act was published in the **Federal Register** on January 30, 2003. This final rule responds to comments received in response to the January 30, 2003 notice. The changes include clarifications and editorial corrections to several sections of the interim final rule.

DATES: This rule is effective on June 6, 2003.

FOR FURTHER INFORMATION CONTACT: Dr. James E. Hill, Deputy Director, Building and Fire Research Laboratory, National Institute of Standards and Technology, Mail Stop 8600, Gaithersburg, MD 20899-8600, telephone number (301) 975-5900.

SUPPLEMENTARY INFORMATION:**Background**

The National Construction Safety Team Act, Pub. L. 107-231, was enacted to provide for the establishment of investigative teams ("Teams") to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life. The purpose of investigations by Teams is to improve the safety and structural integrity of buildings in the United States. A Team will (1) Establish the likely technical cause or causes of the building failure; (2) evaluate the technical aspects of evacuation and emergency response procedures; (3) recommend, as necessary, specific improvements to building standards, codes, and practices based on the findings made pursuant to (1) and (2); and recommend any research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation. Section 2(c)(1) of the Act requires that the Director develop procedures for certain activities to be carried out under the Act as follows: regarding conflicts of interest related to service on a Team; defining the circumstances under which the Director will establish and deploy a Team; prescribing the appropriate size of Teams; guiding the disclosure of information under section 7 of the Act; guiding the conduct of investigations under the Act; identifying and prescribing appropriate conditions for provision by the Director of additional resources and services Teams may need; to ensure that investigations under the Act do not impede and are coordinated with any search and rescue efforts being undertaken at the site of the building failure; for regular briefings of the public on the status of the investigative proceedings and findings; guiding the Teams in moving and preserving evidence; providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures; and regarding other issues.

NIST published an interim final rule with a request for public comments in the **Federal Register** on January 30, 2003 (68 FR 4693), seeking public comment on general provisions regarding implementation of the Act and on provisions establishing procedures for the collection and preservation of evidence obtained and the protection of information created as

part of investigations conducted pursuant to the Act, including guiding the disclosure of information under section 7 of the Act (§§ 270.350, 270.351, and 270.352) and guiding the Teams in moving and preserving evidence (§ 270.330). These general provisions and procedures, comprising Subparts A and D of the rule, are necessary to the conduct of the investigation of the World Trade Center disaster, already underway, and became effective immediately upon publication.

The comment period closed on March 3, 2003.

In the near future, NIST plans to publish in the **Federal Register** a notice of proposed rulemaking and request for comments, establishing the remaining procedures necessary for implementation of the Act.

Summary of Public Comments Received by NIST in Response to the January 30, 2003 Interim Final Rule, and NIST's Response to Those Comments

NIST received two responses to the request for comments. One response was from a private, not-for-profit organization that develops international building codes. The second response was from a local government agency. A detailed analysis of the comments follows.

Comment: One comment encouraged NIST to use a particular code development process. The commenter offered to assist NIST in developing and advancing the necessary code change proposals that will advance the recommendations of the investigation team.

Response: This comment is outside the scope of this rulemaking.

Comment: One comment stated that the proposed rule should consider specifying the criteria for the Team's deployment.

Response: As required by section (c)(1)(B) of the Act, NIST will publish procedures "defining the circumstances under which the Director will establish and deploy a Team" in its notice of proposed rulemaking setting forth the remaining procedures necessary to implement the Act.

Comment: One comment stated that "[c]onsideration should be given to the question of whether a finding or establishing of 'the likely technical cause or causes of the building failure' will have evidentiary weight or authority", and if so, "consideration should also be given to mandatory rights to a hearing or other participation * * *".

Response: By statute, "[n]o part of any report resulting from such investigation, or from an investigation under the