

List of Subjects in 15 CFR Part 270

Administrative practice and procedure; Buildings and facilities; Disaster assistance; Evidence; Investigations; National Institute of Standards and Technology; Science and technology; Subpoena.

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Karen H. Brown,
Deputy Director.

For reasons set forth in the preamble, the National Institute of Standards and Technology amends 15 CFR chapter II to add a new Subchapter G, part 270, as follows:

Subchapter G—National Construction Safety Teams**PART 270—NATIONAL CONSTRUCTION SAFETY TEAMS****Subpart A—General**

Sec.

270.1 Description of rule; purpose; applicability.

270.2 Definitions used in this subpart.

Subpart B—[Reserved]**Subpart C—[Reserved]****Subpart D—Collection and Preservation of Evidence; Information Created Pursuant to an Investigation; and Protection of Information**

270.300 Scope.

270.301 Policy.

Collection of Evidence

270.310 Evidence collected by investigation participants who are not NIST employees.

270.311 Collection of evidence.

270.312 Voluntary submission of evidence.

270.313 Requests for evidence.

270.314 Negotiations.

270.315 Subpoenas.

270.316 Public hearings.

Entry and Inspection

270.320 Entry and inspection of site where a building failure has occurred.

270.321 Entry and inspection of property where building components, materials, artifacts, and records with respect to a building failure are located.

270.322 Voluntary permission to enter and inspect property where building components, materials, artifacts, and records with respect to a building failure are located.

270.323 Requests for permission to enter and inspect property where building components, materials, artifacts, and records with respect to a building failure are located.

270.324 Negotiations.

270.325 Notice of authority to enter and inspect property where building components, materials, artifacts, and records with respect to a building failure are located.

Preservation of Evidence

270.330 Moving and preserving evidence.

Information Created Pursuant to an Investigation

270.340 Information created by investigation participants who are not NIST employees.

Protection of Information

270.350 Freedom of Information Act.

270.351 Protection of voluntarily submitted information.

270.352 Public safety information

Authority: Pub. L. 107–231, 116 Stat. 1471 (15 U.S.C. 3701 note).

Subpart A—General**§ 270.1 Description of rule; purpose; applicability.**

(a) The National Construction Safety Team Act (the Act) (Pub. L. 107–231) provides for the establishment of investigative 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.

(b) The purpose of investigations by Teams is to improve the safety and structural integrity of buildings in the United States.

(c) This part is applicable to the establishment and deployment of Teams and the conduct of investigations under the Act.

§ 270.2 Definitions used in this part.

The following definitions are applicable to this part:

Act. The National Construction Safety Team Act (Pub. L. 107–231, 116 Stat. 1471).

Advisory Committee. The National Construction Safety Team Advisory Committee.

Credentials. Photo identification issued by a Federal or state government entity.

Director. The Director of the National Institute of Standards and Technology.

Evidence. Any document, record, book, artifact, building component, material, witness testimony, or physical evidence collected pursuant to an investigation.

General Counsel. The General Counsel of the U.S. Department of Commerce.

Investigation participant. Any person participating in an investigation under the Act, including all Team members, other NIST employees participating in the investigation, private sector experts, university experts, representatives of professional organizations, employees of other Federal, state, or local government entities, and other contractors.

Lead Investigator. A Team member who is a NIST employee and is designated by the Director to lead a Team.

Team. A team established by the Director and deployed to conduct an investigation under the Act.

NIST. The National Institute of Standards and Technology.

Subpart B—[Reserved]**Subpart C—[Reserved]****Subpart D—Collection and Preservation of Evidence; Information Created Pursuant to an Investigation; and Protection of Information****§ 270.300 Scope.**

During the course of an investigation conducted pursuant to the Act, evidence will be collected, and information will be created by the Team, NIST, and other investigation participants. This subpart sets forth the policy and procedures for the collection, preservation, and protection of evidence obtained and information created pursuant to an investigation.

§ 270.301 Policy.

Evidence collected and information created by Team members and all other investigation participants will be collected, preserved, and protected in accordance with the procedures set forth in this subpart.

Collection of Evidence**§ 270.310 Evidence collected by investigation participants who are not NIST employees.**

Upon receipt of information pursuant to an investigation under the Act, each investigation participant who is not a NIST employee shall:

(a) As soon as practicable, transfer the original evidence to NIST, and retain a copy of the evidence only if necessary to carry out their duties under the investigation; and

(b) For any evidence that cannot reasonably be duplicated, retain the evidence in accordance with NIST procedures for preserving evidence as described in § 270.330 of this subpart, and upon completion of the duties for which retention of the evidence is necessary, transfer the evidence to NIST.

§ 270.311 Collection of evidence.

(a) In the course of an investigation, evidence normally will be collected following the procedures described in §§ 270.312 through 270.315 of this subpart.

(b) Upon a written showing by the Lead Investigator of urgent and