

“significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE; AIRWAYS; ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9K, Airspace Designation and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### ANM CO E5 Richfield Municipal Airport, Richfield, UT

[Lat. 38°44'11" N, long. 112°05'56" W.]

That airspace extending upward from 700 feet above the surface within a 7.5 mile radius of the Richfield Municipal Airport; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 39°24'30" N., long. 112°27'41" W.; to lat. 39°16'00" N., long. 112°00'00" W.; to lat. 39°42'00" N., long. 110°54'00" W.; to lat. 39°27'00" N., long. 110°46'00" W.; to lat. 39°03'00" N., long. 110°30'00" W.; to lat. 38°32'00" N., long. 110°42'00" W.; to lat. 38°20'00" N., long. 110°48'00" W.; to lat. 38°40'00" N., long. 111°47'00" W.; to lat. 38°16'40" N., long. 112°36'40" W.; to lat. 38°29'00" N., long. 112°53'00" W.; to lat. 39°11'30" N., long. 112°34'00" W.; thence to the point of origin, excluding that airspace within Federal

Airways and the Price, UT, Huntington, UT, Milford, UT, and Delta, UT Class E airspace.

\* \* \* \* \*

Issued in Seattle, Washington, on April 11, 2003.

**ViAnne Fowler,**

*Acting Assistant Manager, Air Traffic Division, Northwest Mountain Region.*

[FR Doc. 03–11233 Filed 4–6–03; 8:45 am]

**BILLING CODE 4910–13–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2003–14454; Airspace Docket No. 03–AE–01]

#### Establishment of Class E Airspace; Lake Placid, NY

**AGENCY:** Federal Aviation Administration (FAA) DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace at Lake Placid, NY. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft operating into Lake Placid Airport, Lake Placid, NY under Instrument Flight rules (IFR).

**EFFECTIVE DATE:** 0901 UCT September 4, 2003

**FOR FURTHER INFORMATION CONTACT:** Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

#### SUPPLEMENTARY INFORMATION:

#### History

On March 17, 2003, a notice proposing to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Lake Placid Airport, Lake Placid, NY was published in the Federal Register (68 FR 12621). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA on or before April 16, 2003. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace area designations for airspace extending upward from the surface of the earth are

published in paragraph 6005 of FAA Order 7400.9K, dated August 30, 2002, and effective September 16, 2002, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published in the Order.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting IFR operations within a 7.5-mile radius of Lake Placid Airport, Lake Placid, NY.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

#### PART 71—[AMENDED]

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

■ The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9K, Airspace Designations and Reporting Points, dated August 30, 2002, and effective September 16, 2002, is amended as follows:

*Paragraph 6005 Class E Airspace Areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

**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.

\* \* \* \* \*

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

**Loretta Martin,**

*Acting Assistant Manager, Air Traffic Division, Eastern Region.*

[FR Doc. 03-11231 Filed 5-6-03; 8:45 am]

BILLING CODE 4910-13-M

**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