

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

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

**Authority:** 49 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 Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

**AAL AK E5 Allakaket, AK [New]**

Allakaket Airport, AK  
(Lat. 66°33'07" N., long. 152°37'20" W.)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of the Allakaket Airport and that airspace extending upward from 1,200 feet above the surface within an area bounded by 66°09' N. 153°40' W. to 66°40' N. 153°00'10" W. to 66°09' N. 153°00' W. to point of beginning, excluding the Fairbanks Class E airspace, the Indian Mountain Class E airspace, and that airspace designated for federal airways.

\* \* \* \* \*

Issued in Anchorage, AK, on June 8, 2004.

**Anthony M. Wylie,**  
*Acting Manager, Air Traffic Division, Alaskan Region.*

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**BILLING CODE 4910–13–U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2004–17497; Airspace Docket No. 04–AAL–05]

**Revision of Class E Airspace; Kipnuk, AK**

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

**ACTION:** Final rule.

**SUMMARY:** This action revises Class E airspace at Kipnuk, AK to provide adequate controlled airspace to contain aircraft executing two new Standard Instrument Approach Procedures

(SIAP). This Rule results in additional Class E airspace upward from 700 feet (ft.) above the surface at Kipnuk, AK.

**DATES:** *Effective Date:* 0901 UTC, September 30, 2004.

**FOR FURTHER INFORMATION CONTACT:** Jesse Patterson, AAL–538G, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: *Jesse.ctr.Patterson@faa.gov*. Internet address: *http://www.alaska.faa.gov/at*.

**SUPPLEMENTARY INFORMATION:**

**History**

On Monday, April 19, 2004, the FAA proposed to revise part 71 of the Federal Aviation Regulations (14 CFR part 71) to add to the Class E airspace upward from 700 ft. above the surface at Kipnuk, AK (69 FR 20837). The action was proposed in order to add Class E airspace sufficient in size to contain aircraft while executing two new Standard Instrument Approach Procedures at the Kipnuk Airport. The new approaches are (1) Area Navigation-Global Positioning System (RNAV GPS) RWY 33 original and (2) RNAV (GPS) RWY 15, original. Additional Class E controlled airspace extending upward from 700 feet above the surface in the Kipnuk Airport area is established by this action. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments have been received, thus, the rule is adopted as proposed.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

**The Rule**

This revision to 14 CFR part 71 revises Class E airspace at Kipnuk, Alaska. This additional Class E airspace was created to accommodate aircraft executing new SIAPs and will be depicted on aeronautical charts for pilot reference. The intended effect of this rule is to provide adequate controlled airspace for IFR operations at Kipnuk Airport, Kipnuk, Alaska.

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. It, therefore (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 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 AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

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

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**§ 71.1 [Amended]**

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9L, *Airspace Designations and Reporting Points*, dated September 2, 2003, and effective September 16, 2003, is amended as follows:

\* \* \* \* \*

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

\* \* \* \* \*

**AAL AK E5 Kipnuk, AK [Revised]**

Kipnuk Airport, AK  
(Lat. 59°55'59" N., long. 164°01'50" W.)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of the Kipnuk.

\* \* \* \* \*

Issued in Anchorage, AK.

**Anthony M. Wylie,**

*Acting Manager, Air Traffic Division, Alaskan Region.*

[FR Doc. 04-13578 Filed 6-15-04; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### 15 CFR Part 270

[Docket No. 030421094-4155-02]

RIN 0693-AB53

#### Procedures for Implementation of the National Construction Safety Team Act

**AGENCY:** National Institute of Standards and Technology, United States 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 ("Director"), issues a final rule that amends regulations found at 15 CFR part 270, that implements the National Construction Safety Team Act ("Act"). An interim final rule with a request for public comments clarifying NIST's role in recommending improvements to building codes, standards, and practices, and clarifying the relationship between investigations conducted under the Act and criminal investigations of the same building failure, and establishing procedures regarding the establishment and deployment of National Construction Safety Teams and for the conduct of investigations under the Act was published in the **Federal Register** on November 28, 2003. This final rule responds to comments received in response to the November 28, 2003 document.

**DATES:** This rule is effective on July 16, 2004.

**FOR FURTHER INFORMATION CONTACT:** Dr. James E. Hill, Acting Director, Building and Fire Research Laboratory, National Institute of Standards and Technology, Mail Stop 8600, Gaithersburg, MD 20899-8600, telephone number (301) 975-6850.

#### SUPPLEMENTARY INFORMATION:

##### Background

The National Construction Safety Team Act, Public Law 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; ensuring 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; providing 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. On May 7, 2003, NIST published a final rule in the **Federal Register** (68 FR 24343), addressing the comments received.

NIST published an interim final rule with a request for public comments in the **Federal Register** on November 28, 2003 (68 FR 66073), seeking public comment on amendments to § 270.1, Description of rule; purpose, applicability, of the final rule to clarify NIST's role in recommending improvements to building codes, standards, and practices and to clarify the relationship between investigations conducted under the Act and criminal investigations of the same building failure; an amendment to the definition of *Credentials*, contained in § 270.2, to clarify that credentials are issued by the Director and to better define the term; and an amendment to § 270.313, Requests for Evidence, to clarify that collections of evidence under that section are investigatory in nature and are not research. NIST also sought public comment on procedures set forth in the interim final rule regarding conflicts of interest related to service on a Team (§ 270.106); defining the circumstances under which the Director will establish and deploy a Team (§ 270.102); prescribing the appropriate size of Teams (§ 270.104); guiding the conduct of investigations under the Act (§ 270.200); identifying and prescribing appropriate conditions for provision by the Director of additional resources and services Teams may need (§ 270.204); ensuring 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 (§ 270.202); providing for regular briefings of the public on the status of the investigative proceedings and findings (§ 270.206); providing for coordination with Federal, State, and local entities that may sponsor research or investigations of building failures (§ 270.203); and regarding other issues.

The comment period closed on December 29, 2003.

#### Summary of Public Comments Received by NIST in Response to the November 28, 2003, Interim Final Rule, and NIST's Response to Those Comments

NIST received ten responses to the request for comments. One response was from a private, not-for-profit organization that develops model