

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 082702G]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Reef Fish Stock Assessment Panel (RFSAP).

DATES: This meeting will begin at 9 a.m. on Tuesday, September 17, and conclude by 12 noon on Friday, September 20, 2002.

ADDRESSES: The meeting will be held at the NMFS Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The RFSAP will convene to review stock assessments on the status of the red grouper and yellowedge grouper stocks in the Gulf of Mexico. These stock assessments were prepared by the NMFS and will be presented to the RFSAP. The last red grouper assessment was made in 1999. In October 2000, NMFS declared red grouper to be overfished based on the 1999 assessment plus additional analyses requested by the RFSAP. In July 2002, the Council approved a red grouper rebuilding plan, which is being submitted to NMFS for review, approval and implementation. There have been no previous assessments of yellowedge grouper, and the status of the stock is unknown.

The RFSAP is composed of biologists who are trained in the specialized field of population dynamics. They advise the Council on the status of stocks and, when necessary, recommend a level of acceptable biological catch (ABC) needed to prevent overfishing or to effect a recovery of an overfished stock. They may also recommend catch restrictions needed to attain management goals.

Based on its review of the red grouper and yellowedge grouper stock assessments, the RFSAP may recommend whether to declare the

stocks overfished and/or undergoing overfishing, and may recommend a range of acceptable biological catch (ABC) for 2003. The RFSAP may also recommend management measures to achieve the ABC.

The conclusions of the RFSAP will be reviewed by the Council's Standing and Special Reef Fish Scientific and Statistical Committee (SSC), Socioeconomic Panel (SEP), and Reef Fish Advisory Panel (RFAP) at meetings to be held in October, 2002. Red grouper is a component of the shallow-water grouper complex (which consists of red grouper, gag, yellowfin grouper, black grouper, scamp, yellowmouth grouper, rock hind, and red hind). Yellowedge grouper is a component of the deep-water grouper complex (which consists of misty grouper, snowy grouper, yellowedge grouper, warsaw grouper, speckled hind, and, after the shallow-water grouper quota is filled, scamp). The Council may set year 2003 total allowable catches (TAC) as well as other management measures for the red grouper component of the shallow-water grouper complex and the yellowedge grouper component of the deep-water grouper complex at its meeting in Key Largo, FL on November 12-15, 2002.

Although other non-emergency issues not on the agendas may come before the RFSAP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the RFSAP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the above address by September 10, 2002.

Dated: August 27, 2002.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE**National Telecommunications and Information Administration**

Docket No. 020816196-2196-01

Request for Comments on the Court Documents Exception to the Electronic Signatures in Global and National Commerce Act

AGENCY: National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

ACTION: Notice, Request for Comments

SUMMARY: Section 101 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, *codified at* 15 U.S.C. §§ 7001 *et seq.* ("ESIGN" or "the Act"), preserves the legal effect, validity, and enforceability of signatures and contracts relating to electronic transactions and electronic signatures used in the formation of electronic contracts. 15 U.S.C. § 7001(a). Sections 103 (a) and (b) of the Act, however, provide that the provisions of section 101 do not apply to contracts and records governed by statutes and regulations regarding probate and domestic law matters; state commercial law; consumer law covering utility services, real property defaults and foreclosures, and insurance benefits; product recall notices; and hazardous materials papers. Section 103 of the Act also requires the Secretary of Commerce, through the Assistant Secretary for Communications and Information, to review the operation of these exceptions to evaluate whether they continue to be necessary for consumer protection, and to make recommendations to Congress based on this evaluation. 15 U.S.C. § 7003(c)(1). This Notice is intended to solicit comments from interested parties for purposes of this evaluation, specifically on the court documents and records exception to ESIGN. *See* 15 U.S.C. § 7003(b)(1). NTIA will publish separate notices requesting comment on the other exceptions listed in section 103 of the ESIGN Act.¹

DATES: Written comments and papers are requested to be submitted on or before November 4, 2002.

ADDRESSES: Written comments should be submitted to Josephine Scarlett, National Telecommunications and Information Administration, 14th Street

¹ Comments submitted in response to *Federal Register* notices requesting comment on the other exceptions to ESIGN will be considered as part of the same section 103 evaluation and not as a separate review of the Act.

and Constitution Ave., N.W., Washington, DC 20230. Paper submissions should include a three and half inch computer diskette in HTML, ASCII, Word, or WordPerfect format (please specify version). Diskettes should be labeled with the name and organizational affiliation of the filer, and the name of the word processing program used to create the document. In the alternative, comments may be submitted electronically to the following electronic mail address: esignstudy-ctdocs@ntia.doc.gov. Comments submitted via electronic mail also should be submitted in one or more of the formats specified above.

FOR FURTHER INFORMATION CONTACT: For questions about this request for comment, contact: Josephine Scarlett, Attorney, Office of the Chief Counsel, NTIA, Room 4713, 14th Street and Constitution Ave., N.W., Washington, DC 20230, telephone (202) 482-1816 or electronic mail: jscarlett@ntia.doc.gov. Media inquiries should be directed to the Office of Public Affairs, National Telecommunications and Information Administration, at (202) 482-7002.

SUPPLEMENTARY INFORMATION:

Electronic Signatures in Global and National Commerce Act

Congress enacted the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), to facilitate the use of electronic records and signatures in interstate and foreign commerce and to remove uncertainty about the validity of contracts entered into electronically. Section 101 requires, among other things, that electronic signatures, contracts, and records be given legal effect, validity, and enforceability. Sections 103(a) and (b) of the Act provide that the requirements of section 101 shall not apply to contracts and records governed by statutes and regulations regarding: court documents and records; probate and domestic law matters; state commercial law; consumer law covering utility services, real property defaults and foreclosures, and insurance benefits; product recall notices; and hazardous materials documents.

The statutory language providing for an exception to section 101 of ESIGN for court documents and notices is found in section 103(b) of the Act:

Sec. 103. [15 U.S.C. 7003] Specific Exceptions.

* * * *

(b) *Additional Exceptions.*—The provisions of section 101 shall not apply to—

(1) court orders or notices, or official court documents (including briefs, pleadings, and other writings) required to be executed in connection with court proceedings;

* * * *

The statutory language requiring the Assistant Secretary for Communications and Information to submit a report to Congress on the results of the evaluation of the section 103 exceptions to the ESIGN Act is found in section 103(c)(1) of the Act as set forth below.

(c) Review of Exceptions.—

(1) *Evaluation required.*—The Secretary of Commerce, acting through the Assistant Secretary for Communications and Information, shall review the operation of the exceptions in subsections (a) and (b) to evaluate, over a period of 3 years, whether such exceptions continue to be necessary for the protection of consumers. Within 3 years after the date of enactment of this Act, the Assistant Secretary shall submit a report to Congress on the results of such evaluation.

Federal and State Court Electronic Document Systems

Over the last few years, federal and state courts have established a substantial number of electronic systems for filing and public access to court documents. The federal courts have been a leader in this area, with the establishment of the Case Management/Electronic Case Files (CM/ECF) system. Through this system, attorneys can file court documents from their offices; judges, court staff, attorneys and the public have immediate access to most of those documents. Currently, nine district courts and twenty-five bankruptcy courts accept electronic filings. Over the next several years, additional courts are expected to do so. As of July 2002, more than 15,000 attorneys and others have filed court documents over the Internet. The federal courts have over 3 million cases, containing many millions of documents, available to the public over the Internet. See Administrative Office of the Courts, Case Management and Electronic Case Files (CM/ECF), *available at* http://www.uscourts.gov/cmecf/cmecf_faqs.html.

State courts have also followed the trend set by the federal courts by allowing public access to court documents, and some states also have developed online filing and court document management systems. A report of the Maryland Judiciary's Committee on Access to Court Records, released July 5, 2002, states that 17 percent (or 9 states) of all states employ

some type of computer access to court records, while 31 percent offer "limited-to-substantial" free or inexpensive web access to court records. See "State and Federal Policy on Electronic Access to Court Records," Subcommittee on Access to Court Records, at 2, *available at* <http://www.courts.state.md.us/access/finalreport2-05.pdf>.

The ESIGN Section 103 Evaluation

The ESIGN Act directs the Assistant Secretary of Communications and Information to conduct an evaluation of the exceptions set out in section 103 of the Act to determine whether the exceptions continue to be necessary for the protection of consumers, and to submit a report to Congress on the results of the evaluation no later than June 30, 2003. The Assistant Secretary for Communications and Information is the chief administrator of NTIA. As the President's principal advisor on telecommunications policies pertaining to the Nation's economic and technological advancement, NTIA is the executive branch agency responsible for developing and articulating domestic and international telecommunications policy.

The ESIGN Section 103 evaluation of the court documents exception is intended to evaluate the current state of federal and state court electronic filing systems and electronic access for public access in preparation to report to Congress regarding whether the exception remains necessary for the protection of consumers. The purpose of this evaluation is not to review or analyze federal and state court regulations and rules for the purpose of recommending changes to the regulations, but rather to advise Congress of the state of law, practice, and procedure regarding this issue. Comments filed in response to this Notice should not be considered to have a connection with or impact on federal and state court procedures or rulemaking proceedings.

Invitation to Comment

NTIA requests that interested parties, including members of the bar, courts and consumer representatives, submit written comment on any issue of fact, law, or policy that may assist in the evaluation of the court documents and records exception required by section 103(c). We invite comment on ESIGN generally to assist in evaluating the narrower issues associated with the substantive law governing the exception. The following questions are intended to provide guidance as to the specific subject areas expected to be examined as a part of the evaluation.

Commenters are invited to discuss any relevant issue, regardless of whether it is identified below.

1. Describe the current developments with respect to electronic filing and electronic access procedures for court documents, if any, in federal, state or local rules and regulations.
 2. Discuss whether all types of federal or state court documents (pleadings, briefs, motions, orders, etc.) are available in an electronic format. If not, describe court documents that have been excluded from court filing or access systems and explain the basis for their exclusion.
 3. Discuss whether documents may be filed electronically in all types of cases (i.e., civil, criminal, bankruptcy) and are available for public access in electronic formats?
 4. If access to documents is limited based on case type, for what kinds of cases is access restricted (e.g., juvenile or adoption cases)? Please discuss what interests may be served by these access restrictions and whether it is necessary to retain the court documents exception to preserve and protect the interest(s).
 5. Discuss whether the current Uniform Electronic Transactions contain exceptions for court orders, notices, and documents.
 6. Describe any state or federal regulations, other than ESIGN and UETA, that preclude electronic filing or access to court documents.
 7. Given the current developments in federal court regulations with respect to electronic transactions in this area, is it necessary to retain the court documents exception to the ESIGN requirements? If so, what is the interest that this exception continues to serve or protect?
 8. Given the current development in state court regulations with respect to electronic transactions in this area, is it necessary to retain the court documents exception to the ESIGN requirements? If so, what is the interest that this exception continues to serve or protect?
 9. Discuss any unique issues surrounding the electronic filing, delivery, or service of court documents (such as authentication, privacy, and security) that should be considered in determining whether to eliminate the court documents exception from ESIGN.
 10. Are there technological issues that either enable or impair electronic filing and electronic access to court documents? Please describe in detail the available technology that enables electronic filing and electronic access to court documents and records.
- Please provide copies of studies, reports, opinions, research or other empirical data referenced in the responses.

Dated: August 28, 2002.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

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BILLING CODE 3510-60-S

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Docket No. 020816197-2197-01

Request for Comments on the Hazardous Materials and Dangerous Goods Shipping Papers Exception to the Electronic Signatures in Global and National Commerce Act

AGENCY: National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

ACTION: Notice, Request For Comments

SUMMARY: Section 101 of the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, codified at 15 U.S.C. §§ 7001 *et seq.* ("ESIGN" or "the Act"), preserves the legal effect, validity, and enforceability of signatures and contracts relating to electronic transactions and electronic signatures used in the formation of electronic contracts. 15 U.S.C. § 7001(a). Section 103 (a) and (b) of the Act, however, provides that the provisions of section 101 do not apply to contracts and records governed by statutes and regulations regarding court documents; probate and domestic law matters; certain provisions of state uniform commercial codes; utility service cancellations, real property foreclosure and defaults; insurance benefitscancellations; product recall notices; and any document required to accompany hazardous materials or dangerous goods. Section 103 of the Act also requires the Secretary of Commerce, through the Assistant Secretary for Communications and Information, to review the operation of these exceptions to evaluate whether they continue to be necessary for consumer protection, and to make recommendations to Congress based on this evaluation. 15 U.S.C. § 7003(c)(1). This Notice is intended to solicit comments from interested parties for purposes of this evaluation, specifically on the hazardous materials and dangerous goods documents exception to ESIGN. See 15 U.S.C. § 7003(b)(3). NTIA will publish separate notices requesting comment on the other

exceptions listed in section 103 of the ESIGN Act.¹

DATES: Written comments and papers are requested to be submitted on or before November 4, 2002.

ADDRESSES: Written comments should be submitted to Josephine Scarlett, National Telecommunications and Information Administration, 14th Street and Constitution Ave., N.W., Washington, DC 20230. Paper submissions should include a three and half inch computer diskette in HTML, ASCII, Word, or WordPerfect format (please specify version). Diskettes should be labeled with the name and organizational affiliation of the filer, and the name of the word processing program used to create the document. In the alternative, comments may be submitted electronically to the following electronic mail address: esignstudy-hazmat@ntia.doc.gov. Comments submitted via electronic mail also should be submitted in one or more of the formats specified above.

FOR FURTHER INFORMATION CONTACT: Josephine Scarlett, Attorney, Office of the Chief Counsel, NTIA, 14th Street and Constitution Ave., N.W., Washington, DC 20230, telephone (202) 482-1816 or electronic mail: jscarlett@ntia.doc.gov. Media inquiries should be directed to the Office of Public Affairs, National Telecommunications and Information Administration, at (202)482-7002.

SUPPLEMENTARY INFORMATION:

Background: Electronic Signatures in Global and National Commerce Act

Congress enacted the Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), to facilitate the use of electronic records and signatures in interstate and foreign commerce and to remove uncertainty about the validity of contracts entered into electronically. Section 101 requires, among other things, that electronic signatures, contracts, and records be given legal effect, validity, and enforceability. Sections 103(a) and (b) of the Act provides that the requirements of section 101 shall not apply to contracts and records governed by statutes and regulations regarding: court records,

¹ Comments submitted in response to *Federal Register* notices requesting comment on the other exceptions to ESIGN will be considered as part of the same section 103 evaluation and not as a separate review of the Act.