

ORIGINAL

July 10, 2001

FEDERAL MARITIME COMMISSION

Docket No. 01-08

**THE IMPACT OF THE GOVERNMENT PAPERWORK ELIMINATION ACT
AND THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL
COMMERCE ACT**

AGENCY: Federal Maritime Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Federal Maritime Commission ("FMC" or "Commission") is issuing this Inquiry to solicit information and comments concerning the impact of the Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act on all sectors of the U.S. ocean shipping industry. These comments will assist the Commission as it analyzes the use and acceptance of documents in electronic form, as well as other means of engaging in electronic transactions. The Commission plans to provide individuals or entities with the option to submit information or transact business with the Commission electronically, where practicable, and to maintain records electronically when practicable.

DATES: Submit an original and 15 copies of comments (paper), or e-mail comments as an attachment in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications, NO LATER THAN 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.

ADDRESS COMMENTS TO:

Bryant L. VanBrakle, Secretary
Federal Maritime Commission
800 North Capitol St., N.W., Room 1046
Washington, D.C. 20573-0001
(202) 523-5725
E-mail: secretary@fmc.gov

FOR FURTHER INFORMATION CONTACT:

Florence A. Carr, Deputy Executive Director
Office of the Executive Director
Federal Maritime Commission
800 North Capitol Street, N. W.
Washington, D.C. 20573-0001
(202) 523-5800
E-mail: florence@fmc.gov

SUPPLEMENTARY INFORMATION:

The Commission is seeking information and comments from interested parties regarding the impact of the Government Paperwork Elimination Act (“GPEA”), Pub. L. 105-277, and the Electronic Signatures in Global and National Commerce Act (“E-SIGN”), Pub. L. 106-229, on all sectors of the U.S. ocean shipping industry.

GPEA provides that electronic records and their related electronic signatures are not to be denied legal effect, validity, or enforceability merely because they are in electronic form. GPEA requires agencies, by October 21, 2003, to provide for (1) the option of electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and (2) the use and acceptance of electronic signatures, when practicable. GPEA defines “electronic signature” as a method of signing an electronic message that (a) identifies and authenticates a particular person as the source of the electronic message; and (b) indicates such person’s approval of the

information contained in the electronic message. GPEA encourages Federal Government use of a range of electronic signature alternatives.

E-SIGN eliminates legal barriers to the use of electronic technology to form and sign contracts, collect and store documents, and send and receive notices and disclosures. E-SIGN provides that a contract, signature, or record may not be denied legal effect, validity or enforceability solely because it is in electronic form, and that a contract relating to such a transaction may not be denied legal effect, validity or enforceability solely because an electronic signature or electronic record was used in its formation, provided that, among other things, the parties agree to use or accept electronic records and or electronic signatures. Provisions in Federal and state statutes and agency regulations requiring the use of paper records and ink signatures in commercial, consumer, and business transactions have been superseded by E-SIGN as of October 1, 2000.

E-SIGN also preserves consumer protections for electronic commerce such as exist for paper-based transactions. The Act applies broadly to federal and state statutes and regulations governing private sector (including business-to-business and business-to-consumer) activities. The Act generally covers legal requirements that information be disclosed in private transactions. It also requires that agencies generally allow private parties to retain records electronically. The Government may establish appropriate performance standards for accuracy, integrity, and accessibility of records retained electronically, to ensure that compliance with laws can be determined, taxpayers can be protected, and the agency mission's can be accomplished.

In order for the FMC to develop and implement procedures for the use and acceptance of documents in electronic form where practicable, as well as other means of engaging in electronic transactions, the agency must assess such factors as costs, benefits, risks, available technologies, confidentiality and security measures.

Therefore, the Commission is seeking public comment to assist in its assessment. The Attachment contains several questions which we ask respondents to answer. If you or your organization are required to complete and submit any of the following forms/information collections to the FMC pursuant to 46 CFR Part 500 et seq., the Commission would be especially interested in your responses to the questions in the Attachment.

- Form FMC- 1 Organization Information
 - Form FMC-18 Application for a License as an Ocean Transportation Intermediary
 - Form FMC-48 Ocean Transportation Intermediary Bond
 - Form FMC-67 Ocean Transportation Intermediary Insurance Form
 - Form FMC-68 Ocean Transportation Intermediary Guaranty Form
 - Form FMC-69 Ocean Transportation Intermediary Group Bond Form
 - Form FMC-83 Service Contracts User Registration Form
 - Form FMC-13 1 Application for Certificate of Financial Responsibility
 - Form FMC-132A Passenger Vessel Surety Bond
 - Form FMC- 132B Passenger Vessel Surety Bond
 - Form FMC- 13 3 FMC Guaranty in Respect of Liability for Nonperformance
- Section 3 of the Act Pub. L. 89-777

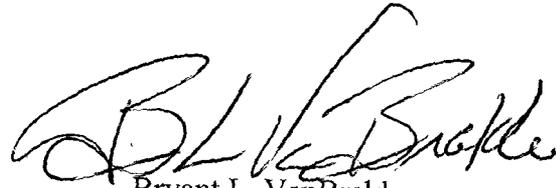
- Form FMC-133B FMC Guaranty in Respect of Liability for Death or Injury
Section 2 of the Act Pub. L. 89-777
- Form FMC-150 Information for Class A/B Agreements and Instructions
- Form FMC-152A Monitoring Reports for Class A Agreements
- Form FMC-152B Monitoring Reports for Class B Agreements
- Form FMC-152C Monitoring Reports for Class C Agreements
- Form FMC-15 1 Information for Class C Agreements and Instructions

The Commission encourages prospective commenters to address all relevant questions; however, there is no requirement that all questions be answered. Commenters are free to answer only those questions which they so choose.

In addition to availability in hard copy or by e-mail copy from the Commission's Secretary, the Notice of Inquiry ("NOI") questions will be made available on the Commission's website at <http://www.fmc.gov> in a downloadable text file. Comments may be submitted in hard copy or as an attachment to an e-mail. These e-mail attachments must be submitted in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications. For further information contact the Secretary at Secretary@fmc.gov or (202) 523-5725.

NOW THEREFORE, it *is* Ordered that Notice of this Inquiry be published in the Federal Register.

By the Commission.



Bryant L. VanBrakle
Secretary

Attachment: NO1 Questions

ATTACHMENT - NO1 QUESTIONS

Commenters should provide their organization's name and address, their category of organization (e.g., Vessel Operating Common Carrier, Shipper, Shippers' Association, Ocean Transportation Intermediaries), and a telephone number for the commenting official.

1. Please identify (by FMC form number) the forms/information collections which you or your organization are required to submit to the FMC. For each form identified please rate the sensitivity of the data and the transaction as either high, medium or low, using the following definitions for each.

High sensitivity - the data/transaction is of critical concern, may contain proprietary information, or consists of data files that require safeguarding.

Medium sensitivity - the data/transaction is an important concern but not necessarily paramount in the organization's priorities. This includes data whose release or distribution outside of the organization or the Commission must be controlled and protected against acts as malicious destruction, unauthorized alteration or disclosure.

Low sensitivity - some minimum level of security is required, but not the same level as the previous two categories, e.g., data files which have value to an originator only in their raw form, or data requiring safeguarding by the Privacy Act but which contain information that is nearly all in the public domain,

2. Are you or is your organization now using or planning to use any form of electronic signature technology as part of your business activities? If yes, briefly describe the context in which it is used or planned to be used and indicate how frequently it may be used.

3. Are you or is anyone in your organization familiar with Public Key Infrastructure (“PKI”) and Automated Certificates of Electronic Signature? If yes, indicate whether you are using or planning to use PKI electronic signature certificates.
4. What benefits, if any, do you or your organization anticipate if the Commission establishes an electronic option for the forms/information collections you identified in question 1?
5. What additional risks to the data or the transaction, if any, do you or your organization anticipate should the Commission establish an electronic reporting option for the forms/information collections you identified in question 1?
6. With respect to the forms/information collections you identified in response to question 1, what obstacles or barriers do you or your organization expect may impede the Commission’s successful establishment of electronic options?
7. With respect to the forms/information collections you or your organization are required to provide to the FMC, which of the issues listed below pose the most concern for you should that same form/information collection be provided on an electronic platform (meaning you can access the form, complete it, sign it, and transmit the completed/signed document back to the FMC electronically)? Briefly explain.

a. Confidentiality - Ensuring that information can be read only by authorized entities, including possible encryption of information for privacy/confidentiality or security purposes.

b. Integrity - Ensuring that data is unchanged from its source and has not been accidentally or maliciously altered. This includes but is not limited to:

1. Authentication - Ensuring that transmissions and messages, and their originators, are authentic, and that a recipient is eligible to receive specific categories of information. This includes possibly having a third party verify that the content of a message has not been changed in transit, and that it is what it purports to be.

2. Nonrenudiation - Ensuring strong and substantial evidence is available to the sender of data that the data has been delivered (with the cooperation of the recipient), and to the recipient evidence of the senders' identity, sufficient to prevent either from successfully denying having sent or received the data. This includes the ability of a third party to verify the integrity and origin of the data. Technical nonrepudiation binds a user to a transaction in a fashion that provides important forensic evidence in the event of a later problem.

c. Availability - Ensuring that the information technology resources (system or data) are available on a timely basis to meet mission/business requirements or to avoid substantial losses. Availability also includes ensuring that resources are used only for intended purposes.

8. Any other comments?

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission

July 12, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before August 17, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Bobby Brown, Federal Communications Commission, Room 1-A739, 445 12th Street, SW, DC 20554 or via the Internet to bbrown@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Bobby Brown at 202-418-0539 or via the Internet at bbrown@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-0211.

Title: Section 73.1943 Political File.

Form No.: Not applicable.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 16,597.

Estimated Time Per Response: 0.25 hour per request (each station is

estimated to have 25 political broadcasts per year).

Frequency of Response: On occasion.

Total Annual Burden: 104,744 hours.

Total Annual Cost: 0.

Needs and Uses: Section 73.1943 requires licensees of broadcast stations to keep and permit public inspection of a complete record (political file) of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such request. The data is used by the public to assess money expended and time allotted to a political candidate and to ensure that equal access was afforded to other qualified candidates.

Federal Communications Commission.

Magalie Roman Salas,
Secretary

[FR Doc. 01-17927 Filed 7-17-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL MARITIME COMMISSION

[Docket No. 01-08]

The Impact of the Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act

AGENCY: Federal Maritime Commission.

ACTION: Notice of inquiry.

SUMMARY: The Federal Maritime Commission ("FMC" or "Commission") is issuing this Inquiry to solicit information and comments concerning the impact of the Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act on all sectors of the U.S. ocean shipping industry. These comments will assist the Commission as it analyzes the use and acceptance of documents in electronic form, as well as other means of engaging in electronic transactions. The Commission plans to provide individuals or entities with the option to submit information or transact business with the Commission electronically, where practicable, and to maintain records electronically when practicable.

DATES: Submit an original and 15 copies of comments (paper), or e-mail comments as an attachment in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications, August 17, 2001.

ADDRESS COMMENTS TO: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol St., NW., Room 1046, Washington, DC

20573-0001, (202) 523-5725, E-mail: secretary@fmc.gov.

FOR FURTHER INFORMATION CONTACT:

Florence A. Carr, Deputy Executive Director, Office of the Executive Director, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001, (202) 523-5800, E-mail: florence@fmc.gov.

SUPPLEMENTARY INFORMATION: The Commission is seeking information and comments from interested parties regarding the impact of the Government Paperwork Elimination Act ("GPEA"), Public Law 105-277, and the Electronic Signatures in Global and National Commerce Act ("E-SIGN"), Public Law 106-229, on all sectors of the U.S. ocean shipping industry.

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 - Form FMG131 Application for Certificate of Financial Responsibility
 - Form FMC-132A Passenger Vessel Surety Bond
 - Form FMC-132B Passenger Vessel Surety Bond
 - Form FMC-133 FMC Guaranty in Respect of Liability for Nonperformance Section 3 of the Act Pub. L. 89-777
 - Form FMC-133B FMC Guaranty in Respect of Liability for Death or Injury Section 2 of the Act Pub. L. 89-777

- Form FMC-150 Information for Class A/B Agreements and Instructions
- Form FMC-152A Monitoring Reports for Class A Agreements
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By the Commission.

Bryant L. VanBrakle,
Secretary

Attachment-NO1 Questions

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by the Privacy Act but which contain information that is nearly all in the public domain.

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2. Nonrepudiation—Ensuring strong and substantial evidence is available to the sender of data that the data has been delivered (with the cooperation of the recipient), and to the recipient evidence of the sender's identity, sufficient to prevent either from successfully denying having sent or received the data. This includes the ability of a third party to verify the integrity and origin of the data. Technical nonrepudiation binds a user to a transaction in a fashion that provides important forensic evidence in the event of a later problem.

c. Availability—Ensuring that the information technology resources (system or data) are available on a timely basis to meet

mission/business requirements or to avoid substantial losses. Availability also includes ensuring that resources are used only for intended purposes.

8. Any other comments?

[FR Doc. 01-1 7875 Filed 7-1 7-01; 8:45 am]

BILLING CODE 6730-01-P

FEDERAL RESERVE SYSTEM

Government in the Sunshine Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, July 23, 2001.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Michelle A. Smith, Assistant to the Board; 202-452-3204.

SUPPLEMENTARY INFORMATION: You may call 202-452-3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at <http://www.federalreserve.gov> for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: July 13, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc 01-18004 Filed 7-13-01; 4:07 pm]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01 145]

Expansion of the Prevention of Mother to Child Transmission Program, Isoniazid Preventive Therapy Program, and Information, Education, and Communication Activities in the Republic of Botswana; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement with the Republic of Botswana Ministry of Health (MOH) for the expansion of the prevention of mother to child transmission program (PMTCT), the national rollout of the Isoniazid Preventive Therapy (IPT) program, and the development and expansion of the Information, Education, and Communication (IEC) campaign targeting HIV/AIDS and HIV/AIDS-related conditions in Botswana.

The purpose of this cooperative agreement is to improve and expand the Prevention of Mother to Child Transmission program activities in Botswana, rollout the National IPT program, and provide technical assistance to improve HIV laboratory diagnostic and monitoring capability, which will be accomplished through cooperation between CDC and the MOH of Botswana.

These collaborative activities could profoundly impact the scope and intensity of the implementation of the National AIDS Policy. Cooperative efforts could lead to greater access to counseling and testing services in all areas of the country, expansion of the IPT program throughout the nation, and significant improvements in HIV/AIDS education and promotion activities, and strengthened aspects of the public health infrastructure.

The U.S. Government seeks to reduce the impact of HIV/AIDS and related conditions in specific countries within sub-Saharan Africa, Asia, and the Americas through its Leadership and Investment in Fighting an Epidemic (LIFE) initiative. Through this program, CDC has initiated its Global AIDS Program (GAP) to strengthen capacity and expand activities in the areas of (1) HIV primary prevention; (2) HIV care, support, and treatment; and (3) capacity and infrastructure development, especially for surveillance. Targeted

countries represent those with the most severe epidemics and the highest number of new infections. They also represent countries where the potential for impact is greatest and where U.S. Government agencies are already active. Botswana is one of these targeted countries.

To carry out its activities in these countries, CDC is working in a collaborative manner with national governments and other agencies to develop programs of assistance to address the HIV/AIDS epidemic. CDC's program of technical assistance to Botswana focuses on several areas including scaling up promising prevention and care strategies, such as PMTCT and IPT, supporting behavior change communication projects, such as IEC activities, and other capacity building efforts.

Botswana is experiencing one of the world's most severe AIDS crises that looms as a disaster of unprecedented proportions. The global burden of HIV/AIDS in Botswana is the highest in sub-Saharan Africa, where 83 percent of the world's AIDS deaths have occurred, and where four-fifths of all HIV-positive women live. Despite a relative stabilization of infection rates in some countries in West Africa, the HIV/AIDS epidemic continues to grow at an alarming rate in Southern Africa. Like many countries in this region, Botswana has been disproportionately affected by the AIDS pandemic. Over 20 percent of the population are believed to be HIV positive and the Botswana National Aids Co-ordinating Agency's 2000 Sentinel Surveillance reports 38.5 percent HIV infection in participating pregnant women. Botswana estimates that as many as 25 babies a day are born with HIV. AIDS-related conditions are responsible for 10 percent of annual deaths, with women and adolescents particularly at risk. TB is by far the single leading cause of death among adults with AIDS in Botswana. Based on Sentinel surveys in 1999, an estimated 19 percent of the total population and 29 percent of the economically productive age group (15-49 years old) are living with HIV infection. The rate of TB infection in Botswana (537/100,000 in 1999) is one of the highest in the world.

Botswana has taken many positive steps to address the AIDS epidemic. The President has recognized HIV/AIDS as "the greatest challenge Botswana has faced" and has warned Botswana that HIV/AIDS "threatens the country with annihilation." The Botswana government pays for up to 80 percent of all HIV/AIDS activities in the country. This full-scale national response has