

RSPA's proposed regulatory changes parallel EPA's proposal. See 66 FR 41490, August 8, 2001. Specifically, RSPA proposes to modify title 49 of the Code of Federal Regulations, part 172.505 to provide that a printout of the electronic manifest or a separate shipping paper must accompany the shipment of hazardous waste when an electronic manifest is used. *Id.* at 41491.

Both EPA's and DOT's proposed and current regulations regarding hazardous materials and hazardous wastes will be impacted by elimination of the ESIGN Act's hazardous and dangerous materials documents exception. Thus, the section 103 evaluation initiated by this Notice has implications for companies that engage in the manufacture, sale, transportation, and disposal of hazardous materials. It also has implications for emergency responders who rely on the immediate availability of critical information in the event of a release of hazardous materials in transportation.²

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 hazardous materials documents exception is intended to evaluate the current status of federal and state regulations and practices, and the course of dealing among companies that handle and transport hazardous wastes, in preparation for a report to Congress on whether the exception of documents related to the transportation and handling of hazardous materials

² Several federal agencies have various responsibilities concerning hazardous materials and dangerous substances. There are also numerous state agencies and organizations that act to protect the public from misuse, mishandling, or errors in labeling of hazardous materials. EPA and DOT have proposed regulations implicating the transmission of electronic documents that provide notice regarding hazardous materials. Reference to these agencies is not intended to exclude other agencies that play a valuable role in protecting consumers.

remains necessary to protect consumers. The purpose of this evaluation is not to review or analyze federal and state regulations and rules relating to hazardous materials documents for the purpose of recommending changes to those regulations, but rather to advise Congress of the current 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 procedures or rulemaking proceedings concerning hazardous materials documents.

Due to the comprehensive nature of EPA and DOT's rulemaking proceedings and the scope of the issues raised therein, NTIA may consider comments submitted in those proceedings in the preparation of the report to Congress.³

Invitation to Comment

NTIA requests that all interested parties submit written comment on any issue of fact, law, or policy that may assist in the evaluation 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 hazardous materials and dangerous substances documents exception. The following questions are intended to provide guidance as to the specific subject areas 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 federal, state and local regulations, laws, and ordinances that require documentation for handling of hazardous materials and dangerous substances.

2. Describe the current developments with respect to electronic documentation and recordkeeping, if any, in federal, state or local regulation of hazardous materials or dangerous substance handling.

3. Discuss what effect, if any, the removal of the hazardous and dangerous materials documents exception in section 103(b)(3) from ESIGN Act would have on the ability of state and federal agencies to perform their missions.

4. What effective means of hazard communication would be available if a paper copy of the hazardous materials shipping paper is eliminated or made optional?

5. Given the current developments in Federal regulations with respect to

³ The NTIA Request for Comments and resulting evaluation, however, have no legal effect on existing EPA or DOT rules or their ongoing regulatory proceedings.

electronic transactions in this area, is it necessary to retain the hazardous materials exception to the ESIGN requirements? If so, what is the interest that this exception continues to serve or protect?

6. Given the current developments in State regulations with respect to electronic transactions in this area, is it necessary to retain the hazardous materials exception to the ESIGN requirements? If so, what is the interest that this exception continues to serve or protect?

7. If the ESIGN Act continues to except hazardous materials, pesticides, and other toxic or dangerous materials shipping documents from the ESIGN Act requirements, how will that impact EPA's electronic hazardous waste manifest proposed rule?

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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COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the Commission of Fine Arts is scheduled for 19 September 2002 at 10 a.m. in the Commission's offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street, NW., Washington, DC 20001-2728. Items of discussion affecting the appearance of Washington, DC, may include buildings, parks and memorials.

Draft agendas are available to the public one week prior to the meeting. Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call 202-504-2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated in Washington, DC, August 26, 2002.

Charles H. Atherton,

Secretary.

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