In accordance with section 6.01 of NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999), NMFS has analyzed both the context and intensity of this action and determined, based on a programmatic NEPA assessment conducted on the impact of NMFS' rulemaking for the issuance of IHAs (61 FR 15884; April 10, 1996); the content and analysis of the NBVC's request for an IHA and its Site Work/Final Survey Plan, that the proposed issuance of this IHA to NBVC by NMFS will not individually or cumulatively result in a significant impact on the quality of the human environment as defined in 40 CFR 1508.27. Therefore, based on this analysis, the action of issuing an IHA for these activities meets the definition of a ''Categorical Exclusion'' as defined under NOAA Administrative Order 216–6 and is exempted from further environmental review.

Determinations

Based on the evidence provided in the application and this document, NMFS has determined that the effects of the planned demolition activities will have no more than a negligible impact on pinniped species and stocks. NMFS has determined that the short-term impact of conducting demolition and removal activities at the entrance of Mugu Lagoon in Point Mugu, California will result, at worst, in a temporary modification in behavior by certain species of pinnipeds. While behavioral modifications may be made by these species to avoid the acoustic and visual stimuli resulting from demolition and removal activities, previous observations of the responses of pinnipeds to loud military overflights and regular human activities near the Mugu Lagoon haul-out sites have not shown injury, mortality, or extended disturbance.

Due to the localized nature of these activities, the number of potential harassment takings of harbor seals, northern elephant seals, and California sea lions are estimated to be small. In addition, no take by injury and/or death is anticipated, and the potential for temporary or permanent hearing impairment will be avoided through the incorporation of the mitigation measures mentioned in this document. No rookeries, mating grounds, areas of concentrated feeding, or other areas of special significance for marine mammals occur within or near Mugu Lagoon during the period of demolition activities.

Authorization

Accordingly, NMFS has issued an IHA to NBVC for demolition and building removal activities to take place in Mugu Lagoon, CA during a 1–year period provided the mitigation, monitoring, and reporting requirements described in this document and the IHA are undertaken.

Dated: September 18, 2002.

David Cottingham,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–24245 Filed 9–23–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of a Final Damage Assessment and Restoration Plan and Environmental Assessment for Natural Resource Injuries and Service Losses Associated With the Fort Lauderdale Mystery Oil Spill in Florida

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: Notice is hereby given that a document entitled, ''Final Damage Assessment and Restoration Plan and Environmental Assessment for the Fort Lauderdale Mystery Oil Spill'' (Final DARP/EA) is available. This document has been prepared by the state and Federal natural resource trustee agencies (Florida Department of Environmental Protection, FDEP, and the National Oceanic and Atmospheric Administration, NOAA) to address natural resource injuries and resource service losses resulting from a mystery oil spill in the Fort Lauderdale area. This Final DARP/EA presents the trustees' assessment of the natural resource injuries and service losses and their final plan to compensate for those losses by restoring natural resources and services. The trustees provided the public an opportunity to comment on a public review Draft DARP/EA. The Draft DARP/EA was released on June 24, 2002 and was announced in local newspapers and the **Federal Register** (June 24, 2002; 67 FR 42538). The trustees received two public comments on the Draft DARP/EA, both were in support of one of the restoration projects. As a result, there are no significant changes in the evaluation or selection of restoration projects since the Draft DARP/EA.

ADDRESSES: Requests for copies of the Final DARP/EA should be directed to Tony Penn of NOAA, 1305 East West Highway, Station 10218, Silver Spring, MD 20910, e-mail: *tony.penn@noaa.gov.* The Final DARP/EA is also available electronically at *http://www.darp.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: For further information contact: Tony Penn, at (301) 713–3038 x197, e-mail: *tony.penn@noaa.gov.*

SUPPLEMENTARY INFORMATION: On Tuesday morning, August 8, 2000, oil tar balls and oil mats were observed on beaches in the area of Fort Lauderdale, Florida. Within the next few days, approximately 20 miles of high-use recreational beaches, from North Miami Beach northward to near Pompano Beach (primarily Broward County beaches), were oiled; some were closed for cleaning. The origin of the oil is unknown. The United States Coast Guard, the lead response agency for the incident, classified the spill as medium, and the trustees have estimated the amount of oil stranded on the shoreline to be approximately 15,000 gallons.

Natural resources or their services impacted as a result of the incident include threatened and endangered sea turtles and their habitats, marine surface waters and their biota including fish, birds, and recreational use of beaches. Response actions removed the majority of the shoreline oil within a few days of oiling. These response actions did not prevent natural resource impacts from occurring nor did these actions restore or rehabilitate natural resource and service injuries that resulted from the incident.

Natural resource trusteeship authority is designated according to section 1006(b) of OPA, Executive Order 12777, October 22, 1991 (56 FR 54757), and Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300. Federal trustees are designated by the President, and state trustees by the Governor. Acting on behalf of the public as trustees for the living and non-living resources in the coastal and marine environments of Florida, the National Oceanic and Atmospheric Administration and the Florida Department of Environmental Protection, are responsible for assessing injuries to trust resources resulting from oil spill incidents, and for developing and implementing a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent of injured natural resources and their services.

Pursuant to section 1002(a) of OPA, each party responsible for a vessel or facility from which oil is discharged, or

which poses a substantial threat of a discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines, is liable for natural resource damages from incidents that involve such actual or threatened discharges of oil. The measure of damages to natural resources is the cost of restoring, rehabilitating, replacing or acquiring the equivalent of the injured natural resources, compensation for the diminution in value of those natural resources pending restoration, and the reasonable costs of assessing such damages. All recoveries for the first two elements are to be spent implementing a restoration plan developed by the trustees. In this case, there is not an identified responsible party to pay damages. When there is not a responsible party, the Federal Oil Spill Liability Trust Fund is available to pay claims for the costs of assessing natural resource damages and for developing and implementing restoration plans.

The trustees quantified injury to sea turtles, fish and invertebrates, seabirds, and recreational beaches for inclusion in a claim for restoration costs. The trustees determined that their selected alternative to address injuries and losses of sea turtles is a combination of active primary restoration (to return sea turtle resources and services to baseline) and compensatory restoration (to compensate for interim losses pending recovery to baseline). The primary restoration consists of augmenting lighting ordinance enforcement activities that will return sea turtles to baseline by preventing mortality of turtle hatchlings due to disorientation. The selected compensatory restoration also augments lighting ordinance enforcement, which will provide additional turtle hatchlings to compensate for the interim turtle losses. The compensatory component of the enforcement project will be of sufficient scale to provide compensatory ecological services approximately equivalent to those that will be lost from the injured turtles pending recovery to baseline.

No primary restoration actions are necessary for the fish and invertebrate, and seabird injuries. However, the trustees have selected projects as compensation for an acute kill of fish, invertebrates, and seabirds. The trustees will create mangrove habitat in order to provide the fish and invertebrate biomass that was lost.

To replace the birds that were killed, the trustees will save birds from future injury. The trustees will install signs at a fishing pier that warn anglers from cutting their lines and that demonstrate how to free birds from fishing lines and hooks, which will prevent entanglement and provide seabird rescue in the event of entanglement.

The impacted recreational beaches were returned to baseline conditions through incident response actions, however there was a period of lost use during the response phase. The selected compensatory restoration projects are to plant sea oats to build dunes, construct dune walkovers, provide handicapped carts, and provide shade areas that together will maintain beaches for future use, provide access to the beach, and improve the quality of the beach experience.

Dated: August 16, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 02–24223 Filed 9–23–02; 8:45 am]

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DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Docket No. 010222048–2215–02

Product Recall 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 benefits cancellations; product recall notices; and hazardous materials documents. 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 product recall notices exception to the ESIGN Act. *See* 15 U.S.C. 7003(b)(2). 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 25, 2002.

ADDRESSES: Written comments should be submitted to Josephine Scarlett, National Telecommunications and Information Administration, 14th Street and Constitution Ave., NW., Washington, DC 20230. Paper submissions should include a three and one-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__prodrec@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, 14th Street and Constitution Ave., NW., 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

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