Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 24, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 4, 2002.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(303) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(303) New and amended regulations for the following APCDs were submitted on August 6, 2002, by the Governor's designee.

(i) Incorporation by reference.

(A) Santa Barbara County Air Pollution Control District.

(*1*) Rule 401, adopted on October 18, 1971 and revised on May 16, 2002.

(B) Yolo Solano Air Quality Management District.

(*1*) Rule 2.22, revised on June 12, 2002.

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[FR Doc. 03–1362 Filed 1–22–03; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

49 CFR Part 1510

[Docket No. TSA–2001–11120]

RIN 2110–AA01

Imposition and Collection of Passenger Civil Aviation Security Service Fees

AGENCY: Transportation Security Administration, DOT.

ACTION: Partial waiver of independent audit requirement of final rule.

SUMMARY: Under specified conditions and until further notice, the Transportation Security Administration (TSA) will not enforce certain independent audit requirements related to the September 11th Security Fee collected by direct air carriers and foreign air carriers. This partial waiver is because the audit may not be necessary and may be overly burdensome.

DATES: Effective January 23, 2003.

FOR FURTHER INFORMATION CONTACT: For guidance on technical matters contact Randall Fiertz, Acting Director of Revenue, (202) 385–1209. For guidance on legal or other matters contact Steven Cohen, Office of Chief Counsel, (202) 493–1216.

SUPPLEMENTARY INFORMATION: In order to offset the costs of providing certain civil aviation security services, TSA imposed a uniform security service fee, the September 11th Security Fee (fee), on passenger enplanements for certain flights originating at airports in the United States. The interim final rule for the fee was published in the **Federal Register** on December 31, 2001, amended on March 28, 2002, and codified at 49 CFR part 1510. Section 1510.9 requires direct air carriers and

foreign air carriers to collect and remit the fee. Section 1510.15(b) requires carriers that collect the fee from more than 50,000 passengers annually to provide for an annual audit of their security service fee activities and accounts. Section 1510.15(c) requires that the audit be performed by an independent public certified accountant, that the auditor express an opinion on the fairness and reasonableness of the carrier's procedures for collecting, holding and remitting the fee, and that the audit address whether the quarterly reports required in § 1510.17 fairly represent the net transactions in the carrier's security service fee accounts.

Since issuing the interim final rule, TSA has reviewed several comments in the public docket, Docket No. TSA–2001–11120, concerning the relative burdens and benefits of independent audits for this fee. In light of the high cost of independent audits; the economic condition of the aviation industry; the fact that TSA, in conjunction with other Federal agencies, is initiating its own reviews of fee payments by selected carriers; and TSA's confidence that the aviation industry has demonstrated a high level of compliance with 49 CFR part 1510 thus far, TSA has determined that it may not be necessary for the carriers to expend the resources necessary to provide for independent audits regarding the fee.

By this document, TSA waives enforcement of the requirement in 49 CFR 1510.15(b) that carriers provide for annual independent audits of their September 11th Security Fees. Notwithstanding this suspension of the audit requirement, carriers must still comply with the record keeping requirements of § 1510.15(a) and fully cooperate with Federal oversight efforts conducted pursuant to § 1510.19, which authorizes representatives of the Secretary of Transportation, the Under Secretary of Transportation for Security, the Inspector General of the Department of Transportation, or the Comptroller General of the United States to audit or review the carriers' books or records. TSA is not waiving or deferring enforcement of any other requirement set forth in 49 U.S.C. 44940, 49 CFR part 1510, or the audit requirement pertaining to the Aviation Security Infrastructure Fee imposed on carriers in 49 CFR part 1511.

Upon conducting its own reviews of fee payments by carriers (including those conducted by or jointly with other Federal agencies), TSA will determine whether to eliminate the independent audit requirement or to rescind this waiver and reinstate the independent audit requirement. If TSA decides to eliminate the requirement, an amendment to 49 CFR part 1510 will be published in the **Federal Register**. If TSA decides to rescind the waiver a document will be published in the **Federal Register** at least 90 days in advance of its effectiveness.

Issued in Washington, DC, on January 14, 2003.

James M. Loy,

Under Secretary of Transportation for Security.

[FR Doc. 03–1487 Filed 1–22–03; 8:45 am]

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