

the Code of Federal Regulations is amended as follows:

### PART 300—[AMENDED]

■ 1. The authority citation for part 300 continues to read as follows:

**Authority:** 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

### Appendix B—[Amended]

■ 2. Table 2 of appendix B to part 300 is amended by revising the entry for Cecil

Field Naval Air Station to read as follows:

### Appendix B to Part 300—National Priorities List

\* \* \* \* \*

TABLE 2.—FEDERAL FACILITIES SECTION

St	Site name	City/County	Notes <sup>(a)</sup>
FL .....	Cecil Field Naval Air Station .....	Jacksonville .....	P

(a) \* \* \*

\* \* \* \* \*

P=Sites within partial deletion(s).

[FR Doc. 03–12476 Filed 5–20–03; 8:45 am]

BILLING CODE 6560–50–M

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### 49 CFR Parts 1510 and 1511

[Docket No. TSA–2001–11120 and TSA–2002–11334; Amendment Nos. 1510–2 and 1511–1]

RIN 1652–AA29

### Temporary Suspension of the September 11th Security Fee and the Aviation Security Infrastructure Fee

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Temporary final rule.

**SUMMARY:** The Transportation Security Administration (TSA) is issuing this rule to temporarily suspend the September 11, 2001, Passenger Civil Aviation Security Service Fee and the Aviation Security Infrastructure Fee (ASIF) during the period beginning June 1, 2003, and ending September 30, 2003, as provided in Public Law 108–11, enacted on April 16, 2003, titled, “Emergency Wartime Supplemental Appropriations Act, 2003” (Appropriations Act).

TSA interprets the Appropriations Act to prohibit TSA from requiring passengers to pay the September 11th Security Fee if they purchase air transportation during the suspension period, regardless of whether the air transportation actually takes place during the suspension period. Accordingly, TSA will not impose the September 11th Security Fee on air transportation purchased from 12 a.m., Eastern Daylight Time, on June 1, 2003, through 11:59 p.m., Eastern Daylight Time, on September 30, 2003.

The Appropriations Act also prohibits TSA from imposing the ASIF during the suspension period. Therefore, air carriers and foreign air carriers engaged in air transportation will not incur any obligations to make ASIF payments to TSA for the months of June, July, August, and September of 2003, which otherwise would have been required to be paid to TSA by the last day of July, August, September, and October of 2003, respectively.

**DATES:** This rule is effective from June 1, 2003, through September 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** Randall Fiertz, Office of Revenue, Office of Finance and Administration, Transportation Security Administration Headquarters, West Building, Floor 5, TSA–14, 400 Seventh Street, SW., Washington, DC 20590; e-mail: [TSA-Fees@dhs.gov](mailto:TSA-Fees@dhs.gov), telephone: 571–227–2323; or Susan Truax, Office of the Chief Counsel, Transportation Security Administration Headquarters, West Building, Floor 8, TSA–2, 400 Seventh Street, SW., Washington, DC 20590; e-mail: [Susan.Truax@dhs.gov](mailto:Susan.Truax@dhs.gov), telephone: 571–227–1996.

### SUPPLEMENTARY INFORMATION:

#### Availability of Rulemaking Document

You can get an electronic copy using the Internet by—

(1) Searching the Department of Transportation’s electronic Docket Management System (DMS) web page (<http://dms.dot.gov/search>);

(2) Accessing the Government Printing Office’s web page at [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html); or

(3) Visiting the TSA’s Law and Policy web page at <http://www.tsa.dot.gov/public/index.jsp>.

In addition, copies are available by writing or calling the individuals in the **FOR FURTHER INFORMATION CONTACT** section. Make sure to identify the docket number of this rulemaking.

### Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires TSA to comply with small entity requests for information and advice about compliance with statutes and regulations within the TSA’s jurisdiction. Any small entity that has a question regarding this document may contact the individuals listed in **FOR FURTHER INFORMATION CONTACT**. Persons can obtain further information regarding SBREFA on the Small Business Administration’s web page at [http://www.sba.gov/advo/laws/law\\_lib.html](http://www.sba.gov/advo/laws/law_lib.html).

### Good Cause for Immediate Adoption

This action is being taken without providing the opportunity for notice and comment, and it provides for an effective date less than 30 days after publication in the **Federal Register**.

Section 44940(d)(1) of title 49, U.S.C. explicitly exempts the imposition of the civil aviation security fees authorized in section 44940 from the procedural rulemaking notice and comment procedures set forth in 5 U.S.C. 553 of the Administrative Procedure Act (APA). Apart from that exemption, the APA allows an agency to forego notice and comment rulemaking when “the agency for good cause finds \* \* \* that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b). TSA finds good cause under 5 U.S.C. 553 that notice and comment are impracticable and contrary to the public interest before issuing this rule. Immediate action is necessary to provide sufficient time to direct and foreign air carriers to implement any necessary changes in their business practices before the beginning of the suspension period.

Further, as the Appropriations Act mandates the effective dates for the suspension period of the civil aviation security fees, the Administrator finds