

National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply.

#### *Paperwork Reduction Act*

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.*).

#### *Congressional Review Act*

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. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 11, 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 § 307(b)(2).)

#### **List of Subjects in 40 CFR Part 62**

Environmental protection, Air pollution control, Metals, Sulfur oxides, Particulate matter, Carbon monoxide, Acid gases, Waste treatment and disposal, Reporting and recordkeeping requirements.

Dated: May 29, 2003.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

■ Part 62 of chapter 1, title 40, of the Code of Federal Regulations is amended as follows:

#### **PART 62—[AMENDED]**

■ 1. The authority citation for part 62 continues to read as follows:

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

#### **Subpart P—Indiana**

■ 2. A new undesignated center heading and § 62.3660 are added to Subpart P to read as follows:

#### **CONTROL OF AIR EMISSIONS FROM EXISTING COMMERCIAL AND INDUSTRIAL SOLID WASTE INCINERATOR UNITS**

##### **§ 62.3660 Identification of plan.**

On December 20, 2002, Indiana submitted a plan to control emissions from Commercial and Industrial Solid Waste Incinerators (CISWI). The Indiana plan incorporates by reference substantial portions of 40 CFR part 60, subpart DDDD, Emission Guidelines and Compliance Times for CISWI units built on or before November 30, 1999.

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#### **DEPARTMENT OF TRANSPORTATION**

##### **Office of the Secretary**

##### **49 CFR Part 1**

[Docket Number: OST–1999–6189]

**RIN 9991–AA38**

##### **Organization and Delegation of Powers and Duties; Secretarial Succession**

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment will revise the order of Secretarial succession for the Department, including changes due to recent legislation.

**EFFECTIVE DATE:** June 12, 2003.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Angermann-Stucker, Office of the Assistant General Counsel for Environmental, Civil Rights, and General Law, Department of Transportation, 400 Seventh Street, SW., Room 10102, Washington, DC 20590; Telephone: (202) 366–9166.

**SUPPLEMENTARY INFORMATION:** In 49 CFR 1.26, the order of succession to act as Secretary of Transportation is set forth as follows: The Deputy Secretary, General Counsel, Assistant Secretary for Budget and Programs, Assistant Secretary for Governmental Affairs, Assistant Secretary for Transportation Policy, Assistant Secretary for Aviation and International Affairs, Assistant Secretary for Administration, Associate Deputy Secretary, Under Secretary of Transportation for Security, Federal Aviation Administrator, Federal Aviation Administration Regional Administrator, Southwest Region,

Federal Aviation Administration Regional Administrator, Great Lakes Region.

Section 102(e) of title 49, United States Code, authorizes the Secretary to prescribe the order of succession for the Department's Assistant Secretaries and the General Counsel. Section 215 of the Maritime Transportation Security Act of 2002 amended section 102 of title 49, United States Code, by creating the position of Under Secretary of Transportation for Policy, who is designated to act for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of Secretary and Deputy Secretary are vacant. Section 215(c) also amends section 102(g) of title 49, United States Code, as redesignated by section 215(a)(1), by deleting the position of Associate Deputy Secretary, on the date that an individual is appointed to the position of Under Secretary of Transportation for Policy. Section 403 of the Homeland Security Act of 2002 transfers the functions of the Transportation Security Administration, including the duties and responsibilities of the Under Secretary of Transportation for Security, from the Department of Transportation to the Department of Homeland Security. We are updating our Secretarial Order of Succession to reflect these statutory changes as well as recent Secretarial decisions concerning the order of succession for Assistant Secretaries of Transportation.

Since this amendment relates to Departmental management, procedures, and practice, notice and comment on this rule are unnecessary under 5 U.S.C. 553(b)(3)(A). In addition, the Secretary finds that there is good cause to make this rule effective upon publication pursuant to 5 U.S.C. 553(d)(2), as a change to internal policy.

#### **Regulatory Analyses and Notices**

##### **A. Executive Order 12866 and DOT Regulatory Policies and Procedures**

The final rule is not considered a significant regulatory action under Executive Order 12866 and the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). There are no costs associated with this rule.

##### **B. Executive Order 13132**

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132, dated August 4, 1999. This final rule does not have a substantial direct effect on, or sufficient federalism implications for, the States, nor would it limit the policymaking discretion of