

justified. The Department of the Interior, in establishing this provisional court, is fulfilling its trust responsibility and complying with the unique government-to-government relationship that exists between the Federal Government and Indian tribes.

**List of Subjects in 25 CFR Part 11**

Courts, Indians—law, Law enforcement, Penalties.

For the reasons stated in the preamble, we are amending part 11, chapter I of title 25 of the Code of Federal Regulations, as set forth below.

**PART 11—LAW AND ORDER ON INDIAN RESERVATIONS**

1. The authority citation for part 11 continues to read as follows:

**Authority:** 5 U.S.C. 301; R.S. 463, 25 U.S.C. 2; R.S. 465, 25 U.S.C. 9; 42 Stat. 208, 25 U.S.C. 13; 38 Stat. 586, 25 U.S.C. 200.

2. Section 11.100 is amended by adding new paragraph (a)(15) to read as follows:

**§ 11.100 Listing of Courts of Indian Offenses.**

(a) \* \* \*

(15) Paiute-Shoshone Indian Tribe of the Fallon Reservation and Colony (land in trust for the Paiute-Shoshone Indian Tribe of the Fallon Reservation and Colony).

\* \* \* \* \*

Dated: September 13, 2002.

**Neal A. McCaleb,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 02-24241 Filed 9-23-02; 8:45 am]

**BILLING CODE 4310-4J-P**

**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 6**

**Protection and Security of Vessels, Harbors, and Waterfront Facilities**

*CFR Correction*

In Title 33 of the Code of Federal Regulations, parts 1 to 124, revised as of July 1, 2001, § 6.01-4 is corrected to read as follows:

**§ 6.01-4 Waterfront facility.**

*Waterfront facility.* “Waterfront facility,” as used in this part, means all piers, wharves, docks, or similar structures to which vessels may be secured and naval yards, stations, and installations, including ranges; areas of land, water, or land and water under and in immediate proximity to them; buildings on them or contiguous to

them and equipment and materials on or in them.

[EO 13143, 64 FR 68273, Dec. 6, 1999]

[FR Doc. 02-55521 Filed 9-23-02; 8:45 am]

**BILLING CODE 1505-01-D**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 9**

[FRL-7381-4]

**OMB Approvals Under the Paperwork Reduction Act; Technical Amendment**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for regulations for Motor Vehicle Emission and Fuel Economy Compliance.

**EFFECTIVE DATE:** This final rule is effective September 24, 2002.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Nash, Certification and Compliance Division, 2565 Plymouth Road, Ann Arbor MI 48103, (734) 214-4412, *nash.dick@epa.gov*.

**SUPPLEMENTARY INFORMATION:** EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment updates the table to list those information collection requirements approved by OMB on July 18, 2002 under control number 2060-0104. The affected regulations are codified at 40 CFR parts 85, 86 and 600. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency’s regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB’s implementing regulations at 5 CFR part 1320.

This ICR was previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. As a result, EPA finds that there is “good cause” under section

553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment.

**I. Administrative Requirements**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655, May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

*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 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of September 24, 2002. 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**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 9**

Environmental protection, Reporting and recordkeeping requirements.

Dated: September 6, 2002.

**Oscar Morales,**

*Director, Collection Strategies Division, Office of Information Collection.*

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

**PART 9—[AMENDED]**

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 the table is amended by:

a. Removing entries: 85.1503–85.1507; 85.1509–85.1510; 85.1511(b)–(d), (f); 85.1511(b)(3); 85.1512; 85.1514–85.1515; 85.1703; 85.1705–85.1706; and 85.1901–85.1909 under the heading “Control of Air Pollution From Motor Vehicles and Motor Vehicle Engine”; and 86.1112–87–86.1115–87 under the heading “Control of Air Pollution From New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures”;

b. Revising entries: 86.604–84; 86.607–84; 86.615–84; 86.1004–84; 86.1005–90; 86.1007–84; 86.1106–87; 86.1108–87; 86.1110–87; 86.1705; 86.1707; 86.1712; 86.1721; 86.1723; and 86.1734 under the heading “Control of Air Pollution From New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines Certification and Test Procedures,” and

c. Adding new entries in numerical order under the headings “Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines,” “Control of Air Pollution From New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures,” and “Fuel Economy of Motor Vehicles” to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

40 CFR citation	OMB control No.	40 CFR citation	OMB control No.
*	*	*	*
86.615–84	2060–0104	86.615–84	2060–0104
*	*	*	*
86.908–01	2060–0104	86.908–01	2060–0104
86.909–93	2060–0104	86.909–93	2060–0104
*	*	*	*
86.1003–97	2060–0104	86.1003–97	2060–0104
86.1003–2001	2060–0104	86.1003–2001	2060–0104
86.1004–84	2060–0104	86.1004–84	2060–0104
86.1005–90	2060–0104	86.1005–90	2060–0104
*	*	*	*
86.1007–84	2060–0104	86.1007–84	2060–0104
*	*	*	*
86.1009–2001	2060–0104	86.1009–2001	2060–0104
*	*	*	*
86.1012–97	2060–0104	86.1012–97	2060–0104
*	*	*	*
86.1106–87	2060–0104	86.1106–87	2060–0104
86.1107–87	2060–0104	86.1107–87	2060–0104
86.1108–87	2060–0104	86.1108–87	2060–0104
86.1110–87	2060–0104	86.1110–87	2060–0104
*	*	*	*
86.1113–87	2060–0104	86.1113–87	2060–0104
86.1114–87	2060–0104	86.1114–87	2060–0104
*	*	*	*
86.1705	2060–0104	86.1705	2060–0104
86.1707	2060–0104	86.1707	2060–0104
*	*	*	*
86.1712	2060–0104	86.1712	2060–0104
*	*	*	*
86.1721	2060–0104	86.1721	2060–0104
86.1723	2060–0104	86.1723	2060–0104
*	*	*	*
86.1734	2060–0104	86.1734	2060–0104
*	*	*	*
86.1805–01	2060–0104	86.1805–01	2060–0104
86.1805–04	2060–0104	86.1805–04	2060–0104
86.1806–01	2060–0104	86.1806–01	2060–0104
86.1806–05	2060–0104	86.1806–05	2060–0104
86.1809–01	2060–0104	86.1809–01	2060–0104
86.1811–01	2060–0104	86.1811–01	2060–0104
86.1811–04	2060–0104	86.1811–04	2060–0104
86.1817–05	2060–0104	86.1817–05	2060–0104
86.1817–08	2060–0104	86.1817–08	2060–0104
86.1823–01	2060–0104	86.1823–01	2060–0104
86.1826–01	2060–0104	86.1826–01	2060–0104
86.1829–01	2060–0104	86.1829–01	2060–0104
86.1839–01	2060–0104	86.1839–01	2060–0104
86.1840–01	2060–0104	86.1840–01	2060–0104
86.1842–01	2060–0104	86.1842–01	2060–0104
*	*	*	*
86.1845–01	2060–0104	86.1845–01	2060–0104
86.1845–05	2060–0104	86.1845–05	2060–0104
*	*	*	*
86.1862–04	2060–0104	86.1862–04	2060–0104

**Control of Air Pollution From New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures**

40 CFR citation	OMB control No.
* * * * *	
<b>Fuel Economy of Motor Vehicles</b>	
600.005-87 .....	2060-0104
* * * * *	
600.006-89 .....	2060-0104
* * * * *	
600.206-93 .....	2060-0104
* * * * *	
600.207-93 .....	2060-0104
* * * * *	
600.305-77 .....	2060-0104
* * * * *	
600.307-95 .....	2060-0104
* * * * *	
600.310-86 .....	2060-0104
* * * * *	
600.313-01 .....	2060-0104
* * * * *	
600.314-01 .....	2060-0104
* * * * *	
600.510-93 .....	2060-0104
* * * * *	

[FR Doc. 02-24229 Filed 9-23-02; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[KY 134 & KY 136—200235(a); FRL-7381-2]

**Approval and Promulgation of Implementation Plans for Kentucky: Vehicle Emissions Control Programs**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving revisions to the State Implementation Plan (SIP) of the Commonwealth of Kentucky amending Kentucky rules 401 KAR 65:001 and 401 KAR 65:010. These changes affect military personnel with vehicles required to undergo vehicle emissions tests. The EPA also proposes to approve into the Kentucky SIP revisions to the Air Pollution Control District of Jefferson County’s regulations 8.01 and 8.02, which affect vehicle emission test centers and owners of certain vehicles registered in the County.

**DATES:** This direct final rule is effective November 25, 2002 without further notice, unless EPA receives adverse comment by October 24, 2002. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** All comments should be addressed to: Michele Notarianni, Air Planning Branch, U.S. Environmental Protection Agency Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. (404/562-9031 (phone) or *notarianni.michele@epa.gov* (e-mail).)

Copies of the Commonwealth’s submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. (Michele Notarianni, 404/562-9031, *notarianni.michele@epa.gov*)  
Commonwealth of Kentucky, Division for Air Quality, 803 Schenkel Lane, Frankfort, Kentucky 40601-1403. (502/573-3382)

Air Pollution Control District of Jefferson County, 850 Barrett Avenue—Suite 200, Louisville, Kentucky 40204. (502/574-6000)

**FOR FURTHER INFORMATION CONTACT:** Michele Notarianni at address listed above or 404-562-9031 (phone) or *notarianni.michele@epa.gov* (e-mail).

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Today’s Action
- II. Final Action
- III. Administrative Requirements

**I. Today’s Action**

The EPA is approving revisions to rules 401 KAR 65:001, “Definitions for 401 KAR Chapter 65”, and 401 KAR 65:010, “Vehicle emission control programs”, into the Kentucky SIP. The Kentucky Natural Resources and Environmental Protection Cabinet submitted these revisions to EPA on September 5, 2001. The revisions establish guidelines for a fee exemption for vehicles belonging to military personnel during the applicable testing period, move the definitions for Kentucky’s vehicle emissions control programs from 401 KAR 65:010 into 401 KAR 65:001, and make administrative clarifications to the definitions in 401 KAR 65:001. The effect of this action is that military personnel who reside in vehicle testing program areas will not have to pay the exemption certificate fee when their vehicle is outside the program area during the required testing

period. Vehicle testing programs in Kentucky exist in those areas which are designated one-hour ozone nonattainment (except marginal) areas or attainment areas that were previously designated nonattainment for the one-hour national ambient air quality standard and continue to operate a testing program to maintain attainment status or to meet other applicable mandates.

The EPA is also approving into the Kentucky SIP revisions to the Air Pollution Control District of Jefferson County’s regulations 8.01, “Mobile Source Emissions Control Requirements,” and 8.02, “Vehicle Emissions Testing Procedure.” The Kentucky Natural Resources and Environmental Protection Cabinet submitted these revisions to EPA on January 24, 2002. These revisions include specific procedures for on-board diagnostics (OBD) testing and delay the implementation start date for OBD testing from the January 1, 2001, date currently in the Kentucky SIP until January 1, 2002. The new test procedures apply to model year 1996 and newer, light-duty vehicles and trucks and to model year 1997 and newer, light-duty diesel vehicles and trucks manufactured with certified OBD systems. The OBD test would replace the current tailpipe test emissions test, evaporative system test, and equipment visual inspection for these newer vehicles. As specifically provided for under the rules, the start date for OBD testing was delayed to July 1, 2002.

**II. Final Action**

EPA is approving into the Kentucky SIP revisions to Rules 401 KAR 65:001 and 401 KAR 65:010, and Air Pollution Control District of Jefferson County Regulations 8.01 and 8.02, because they are consistent with the requirements of the Clean Air Act and EPA policy.

EPA is approving the aforementioned changes to the SIP. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective November 25, 2002 without further notice unless the Agency receives adverse comments by October 24, 2002.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will