

respondent burden for small companies. A concomitant requirement on the BE-13 that a report be filed for all acquisitions of 200 or more acres of U.S. land will not be changed. The exemption level for the related form BE-14 also is raised to correspond to the new \$3 million threshold for the BE-13.

To maintain consistency with the benchmark survey, BEA also proposes to base the industry coding system used on the BE-13 on the new North American Industry Classification System (NAICS) in place of the current system, which is based on the U.S. Standard Industrial Classification System. However, this modification does not require a rule change and therefore is not reflected in this proposed rule. The revised BE-13 and BE-14 report forms would be required to be filed for reports covering 1998 transactions.

The change in the basis for industry coding should not affect the average reporting burden for the BE-13 new investment survey. However, BEA estimates that 300 potential respondents to the survey will not be required to file in the survey because of raising the reporting threshold to \$3 million from \$1 million. This represents a 20 percent decrease in the estimated number of reporters that would otherwise be required to report in the survey.

A copy of the proposed survey forms may be obtained from: Chief, Direct Investment in the United States Branch, International Investment Division, BE-49, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-5577.

#### Executive Order 12612

These proposed rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

#### Executive Order 12866

These proposed rules have been determined to be not significant for purposes of E.O. 12866.

#### Paperwork Reduction Act

These proposed rules contain a collection of information requirement subject to the Paperwork Reduction Act. The collection of information requirement contained in the proposed rule has been submitted to the Office of Management and Budget for review under section 3507 of the Paperwork Reduction Act.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply

with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid Office of Management and Budget Control Number.

Public reporting burden for the BE-605 collection of information is estimated to vary from 1/2 hour to 4 hours per response with an average 1 1/4 hours per response. The estimated average burden of 1 1/4 hours per form includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Public reporting burden for the BE-13 collection of information is estimated to vary from 1 to 4 hours per response, with an average 1 1/2 hours per response. The estimated average burden of 1 1/2 hours includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608-0009 (BE-605/605 Bank) or Paperwork Reduction Project 0608-0035 (BE-13/14), Washington, DC 20503.

#### Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Most small businesses are not foreign owned, and many that are will not be required to report because of these proposed changes. For the BE-605 quarterly survey, the proposed rule changes increase the exemption level at which reporting will be required, thereby

eliminating the reporting requirement for a number of small companies. For the BE-13 new investment survey, the reporting threshold is being raised from \$1 million to \$3 million, thus eliminating an additional number of small companies that would have been required to file. These provisions are intended to reduce the reporting burden on smaller companies.

#### List of Subjects in 15 CFR Part 806

Balance of payments, Economic statistics, Foreign investment in the United States, Reporting and recordkeeping requirements.

**J. Steven Landefeld,**

*Director, Bureau of Economic Analysis.*

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

#### PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR Part 806 continues to read as follows:

**Authority:** 5 U.S.C. 301, 22 U.S.C. 3101-3108, and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

#### § 806.15 [Amended]

2. Section 806.15(h)(1) is amended by deleting "\$20,000,000" and inserting in its place "\$30,000,000."

3. Section 806.15(h)(2) is amended by deleting "\$20,000,000" and inserting in its place "\$30,000,000."

4. Section 806.15(j)(3)(ii)(b) is amended by deleting "\$1,000,000" and inserting in its place "\$3,000,000."

5. Section 806.15(j)(3)(ii)(c) is amended by deleting "\$1,000,000" and inserting in its place "\$3,000,000."

6. Section 806.15(j)(4)(ii)(b) is amended by deleting "\$1,000,000" and inserting in its place "\$3,000,000."

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#### DEPARTMENT OF THE INTERIOR

#### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 917

[KY-217-FOR]

#### Kentucky Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule; public comment period and opportunity for public hearing.

**SUMMARY:** OSM is announcing receipt of a proposed amendment to the Kentucky regulatory program (hereinafter the "Kentucky program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Kentucky submitted a letter requesting the removal of an amendment at 30 CFR 917.17(a) which required that it maintain a staffing level of 156 field inspectors and, in the same letter, provided justification for its request. The amendment is intended to revise the Kentucky program to be consistent with the corresponding Federal regulations.

**DATES:** Written comments must be received by 4:00 p.m., [E.S.T.], January 9, 1998. If requested, a public hearing on the proposed amendment will be held on January 5, 1998. Requests to speak at the hearing must be received by 4:00 p.m., [E.S.T.], on December 29, 1997.

**ADDRESSES:** Written comments and requests to speak at the hearing should be mailed or hand delivered to William J. Kovacic, Director, at the address listed below.

Copies of the Kentucky program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation Enforcement, 2675 Regency Road, Lexington, Kentucky 40503. Telephone: (606) 233-2896. Department of Surface Mining Reclamation and Enforcement, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564-6940.

**FOR FURTHER INFORMATION CONTACT:** William J. Kovacic, Director, Lexington Field Office, Telephone: (606) 233-2896.

**SUPPLEMENTARY INFORMATION:**

**I. Background on the Kentucky Program**

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the

conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

**II. Description of the Proposed Amendment**

By letter dated November 3, 1997 (Administrative Record No. KY-1418), Kentucky submitted a proposed amendment to its program requesting the removal of an amendment at 30 CFR 917.17(a) requiring that Kentucky maintain a staffing level of 156 field inspectors. In the same letter, Kentucky provided the following justification for its request:

1. Field inspector staffing levels are no longer based on 1984 inspection numbers and budgetary needs.

2. A study performed during the National Wildlife Federation Settlement Agreement determined that a cap of 24 inspectable units per field inspector should be established.

3. OSM has accepted the limits set by the study in determining inspection staff levels as indicated by the approval of Title V administrative and enforcement grants.

4. OSM's annual reports indicate that Kentucky's Title V regulatory program consistently meets high inspection frequency levels.

Kentucky also maintains that using a fixed number of field inspectors fails to provide the latitude necessary to adapt its inspection force to changing conditions in the coal industry. Further, the number of inspectors Kentucky maintains is based on the current and ever-changing number of inspectable units.

**III. Public Comment Procedures**

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

*Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Lexington Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

*Public Hearing*

Persons wishing to speak at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4:00 p.m., [E.S.T.] on December 29, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under "FOR FURTHER INFORMATION CONTACT."

*Public Meeting*

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under "FOR FURTHER INFORMATION CONTACT." All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under "ADDRESSES." A written summary of each meeting will be made a part of the Administrative Record.

**IV. Procedural Determinations**

*Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

*Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards

are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### *National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)),

#### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### *Regulatory Flexibility Act*

The Department of the Interior has determined 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.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the department relied upon the data and assumptions for the counterpart Federal regulations.

#### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

#### **List of Subjects in 30 CFR Part 917**

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 2, 1997.

**Michael K. Robinson,**

*Acting Regional Director, Appalachian Regional Coordinating Center.*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 52**

[W174-01-7303; FRL-5929-8]

#### **Approval and Promulgation of Implementation Plans; Wisconsin**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The purpose of this action is to propose approval of the State of Wisconsin's Prevention of Significant Deterioration (PSD) rules, Natural Resources (NR) 405.01 through NR 405.17, as a revision to the Wisconsin State Implementation Plan (SIP). The State developed rules as Wisconsin's plan to prevent significant deterioration of air quality in areas designated as unclassifiable or attainment of the National Ambient Air Quality Standards (NAAQS) and to satisfy the requirements of part C of the Clean Air Act (Act). EPA is approving these rules because they meet EPA's regulation governing State PSD programs. In addition to the PSD rules, Wisconsin has submitted rules as a revision to the SIP to establish breathable particulates (PM-10) as a basis for the determination of particle concentrations for permitting purposes under the PSD program and, therefore, tie the new source permit evaluations directly to human health standards. Finally, Wisconsin submitted as a revision to the SIP changes of a "clean-up" nature, intended to correct errors in content or style, to improve consistency, or clarify existing policy and procedures.

**DATES:** Comments on this revision and on the proposed EPA action must be received by January 9, 1998. Comments received in response to EPA's January 4, 1994 proposed disapproval of NR 405 will, if still applicable, be responded to at the time of EPA's final rulemaking on this rule and need not be resubmitted.

**ADDRESSES:** Comments should be submitted to Carlton Nash, EPA Region 5, 77 West Jackson Boulevard, AR-18J, Chicago, Illinois, 60604. Copies of the

State's submittal and other supporting information used in developing the proposed approval are available for inspection during normal business hours at the above Region 5 address. Please contact Constantine Blathras at (312) 886-0671 to arrange a time if inspection of these materials is desired.

Copies of the submittal are also located at the Bureau of Air Management, Wisconsin Department of Natural Resources, 101 South Webster Street, P.O. Box 7921, Madison, Wisconsin 53707.

**FOR FURTHER INFORMATION CONTACT:** Constantine Blathras, AR-18J, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 886-0671.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Purpose**

The 1977 Amendments to the Act added part C to Title I, which required implementation of a PSD program. On June 19, 1978, EPA promulgated a PSD program to meet the requirements of part C, 50 CFR 52.21, which contains the procedures and requirements which EPA follows when it carries out the mandates of part C itself. These Section 52.21 requirements were then promulgated into those State SIPs where a State did not have an approvable plan in place. Section 52.21 provides that its requirements and authorities, or part thereof, can be delegated to the State and local air programs if EPA determines they have the ability and authority to carry out its mandates.

On June 19, 1978, (43 FR 26410), EPA promulgated the Federal PSD program, 40 CFR 52.21 (b-v), into the Wisconsin SIP at 40 CFR 52.2581 because Wisconsin had not submitted an approvable PSD program. On August 19, 1980, EPA gave Wisconsin partial delegation to run the Federal PSD program and on November 13, 1987, gave Wisconsin full delegation of the program, except for sources within the exterior boundaries of a Tribal reservation.

Section 301(d) of the Act authorizes the Administrator to determine which Act authorities are appropriate for Tribes to administer within the exterior boundaries of its reservations and to promulgate rules as to how Tribes can assume these authorities. These rules were proposed, but have yet to be promulgated. EPA recognizes that a Tribe will upon promulgation generally have inherent sovereign authority over air resources within the exterior boundaries of its reservation, if requested and approved. Until such time, EPA will continue to implement these programs within the exterior