I. Background on the Kentucky Program

Section 503(a) of the Act permits a State to assume primary responsibility for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders (42 U.S.C. 4481(a)(1)(A)). On May 18, 1982, we published a Federal Register notice summarizing the background for the approval of the Kentucky program in the May 18, 1982, Federal Register (47 FR 21434). You can also find background information on the Kentucky program, including the Secretary’s findings, the disposition of comments, and conditions of approval of the Kentucky program in the May 18, 1982, Federal Register (47 FR 21434). We have also published a number of legal opinions, letters, and reports concerning the program in its Bulletin (Volume 1, 1983); the Office of the Secretary of Labor, Opinion Letter (75–283, February 26, 1975); the State of Kentucky, Opinion Letter (74–83); and the United States Supreme Court, Opinion Letter (74–283). We have also published the Kentucky program in the May 18, 1982, Federal Register (47 FR 21434).

II. Description of the Proposed Amendment

By letter dated May 22, 2003, Kentucky sent us a proposed amendment to its program (KY–244), Administrative Record No. KY–13080 under SMCRA (30 U.S.C. 1201 et seq.) (p. 8). Kentucky submitted a portion of House Bill 269, the executive branch budget bill, promulgated by the 2003 Kentucky General Assembly.

Specifically, Kentucky proposes to transfer $3,000,000 from the Bond Pool Fund (the Fund) established in Kentucky Revised Statute 350.700 to the Commonwealth’s General Fund for the 2002–2003 fiscal year. The transfer appears on page 225, line 21 and is listed under Part V, Section J, item 5 of House Bill 269. The full text of the program amendment is available for you to read at the locations listed above under ADDRESSES.

We announced receipt of the proposed amendment in the July 16, 2003, Federal Register (68 FR 41980). In the same document invited public comment and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on August 15, 2003. Please refer to the July 16, 2003, Federal Register, for additional background information.

By letter dated July 10, 2003, we requested additional information from Kentucky in the form of a financial analysis (Administrative Record No. KY–1584). We asked that the analysis specifically demonstrate that the transfer of funds would not adversely impact the Fund’s ability to complete the reclamation plan for any area which may be in default at any time as required by 30 CFR 800.11(e). By letter dated August 14, 2003, Kentucky responded by stating the Madison Consulting Group would perform an actuarial review of the Fund (Administrative Record No. KY–1599).

By letter dated March 3, 2004, the Department for Natural Resources (formerly the Department for Surface Mining Reclamation and Enforcement) transmitted the Kentucky Bond Pool Actuarial Report to us (Administrative Record No. KY–1615). The actuarial review covers the time period July 1, 2000, through June 30, 2003. The full text is available for you to read at the locations listed above at ADDRESSES. The key findings of the report are summarized here. The report concluded that the Fund:

1. Should be able to “reasonably withstand the failure of any two of its member companies” to be actuarially sound and viable on a long-term basis (p. 7);
2. is “currently not able to reasonably provide for the ‘two failure’ funding scenario up to a 75 percent confidence level” (p. 8);
3. needs to increase its assets “so as to provide for potential liabilities and future growth” (p. 8); and
4. is in a less favorable financial situation than the last analysis completed for the period ending June 30, 2000 (p. 8).

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(b), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the program.

Written Comments

Send your written comments to OSM at the address given above. Your written comments should be specific, pertinent only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. In the final rulemaking, we will not
necessarily consider or include in the administrative record any comments received after the time indicated under DATES or at locations other than the Lexington Field Office.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, available for public review in their entirety.

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.


Michael K. Robinson,
Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 04–6985 Filed 3–29–04; 8:45 am]
BILLING CODE 4310–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–548; MM Docket No. 01–105; RM–10104]

Radio Broadcasting Services; Shiner, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal.

SUMMARY: This Commission dismisses the petition for rulemaking filed by Stargazer Broadcasting, Inc., proposing the allotment of Channel 232A at Shiner, Texas. The petition conflicts with a prior-filed counterproposal requesting the allotment of Channel 232A at Flatonia, Texas. Moreover, the petition is untimely filed to be considered as a counterproposal in the context of that proceeding (MM Docket No. 00–148).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission’s Report and Order, MM Docket No. 01–105, adopted March 10, 2004, and released March 12, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC.

The complete text of this decision may also be purchased from the Commission’s copy contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554.

Federal Communications Commission.

John A. Karousos,
Assistant Chief, Audio Division, Media Bureau.

[JFR Doc. 04–7100 Filed 3–29–04; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 04–675; MB Docket No. 04–69; RM–10859]

Radio Broadcasting Services; Dexter, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Broadcast Equities Corp. (“Petitioner”) to add a Class A FM channel to Dexter, Georgia. This proposal would provide Dexter with its first local aural transmission service. Although Petitioner originally proposed to allot Channel 300A to Dexter, that proposal was returned as unacceptable for consideration because it was short spaced to a licensed FM station. Petitioner filed a petition for reconsideration of that dismissal, which this document dismisses as moot in light of the fact that the Commission has found another Class A FM channel, Channel 276A, which complies with the Commission’s technical requirements and can be allotted to Dexter, Georgia. The coordinates for that allotment are 32°25′59″ NL and 83°01′33″ WL, with a site restriction of 3.3 kilometers (2.1 miles) east of Dexter.

DATES: Comments must be filed on or before May 6, 2004, and reply comments on or before May 21, 2004.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554.

In addition to filing comments with the FCC, interested parties should serve the petitioner’s counsel, as follows: Dan J. Alpert, Esq, The Law Office of Dan J. Alpert; 2120 N. 21st Road; Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: R. Barthen Gorman, Media Bureau, (202) 418–2180.


The provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commissions proceeding, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible ex parte contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:


§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Dexter, Channel 276A.

Federal Communications Commission.

John A. Karousos,
Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 04–7096 Filed 3–29–04; 8:45 am]
BILLING CODE 6712–01–P