Therefore, the FAA has determined that, in addition to the requirements of part 21 and part 23, special conditions are needed to address the installation of this inflatable restraint.

Accordingly, these special conditions are adopted for the models A1, A1A, and A1B equipped with the AMSAFE, Inc. five-point inflatable restraint. Other conditions may be developed, as needed, based on further FAA review and discussions with the manufacturer and civil aviation authorities.

Applicability

As discussed above, these special conditions are applicable to the Sky International models A1, A1A, and A1B equipped with the AMSAFE, Inc. five-point inflatable restraint system. Should AMSAFE, Inc. apply at a later date for a supplemental type certificate to modify any other model on Type Certificate number A22NM to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well under the provisions of § 21.101.

Conclusion

This action affects only certain novel or unusual design features on the Sky International models A1, A1A, and A1B. It is not a rule of general applicability, and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113 and 44701; 14 CFR 21.16 and 21.101 for STC or 21.17 for TC; and 14 CFR 11.38 and 11.19.

The Proposed Special Conditions

The FAA has determined that this project will be accomplished on the basis of not lowering the current level of safety for the Sky International models A1, A1A, and A1B occupant restraint system. Accordingly, the FAA proposes the following special conditions as part of the type certification basis for these models, as modified by AMSAFE, Inc.

Five-Point Safety Belt Restraint System Incorporating an Inflatable Airbag for the Pilot and Co-pilot Seats of the Sky International models A1, A1A, and A1B.

1. It must be shown that the inflatable lapbelt will deploy and provide protection under crash conditions where it is necessary to prevent serious head injuries. Compliance will be demonstrated using the deceleration pulse specified in § 23.562, which may be modified as follows:

a. The peak longitudinal deceleration may be reduced, however the onset rate of the deceleration must be equal to or greater than the crash pulse identified in § 23.562.

b. The peak longitudinal deceleration must be above the deployment threshold of the crash sensor, and equal to or greater than the forward static design longitudinal load factor required by the original certification basis of the airplane.

The means of protection must take into consideration a range of stature from a 5th percentile female to a 95th percentile male. The inflatable restraint must provide a consistent approach to energy absorption throughout that range.

2. The inflatable restraint must provide adequate protection for each occupant. In addition, unoccupied seats that have an active restraint must not constitute a hazard to any occupant.

3. The design must prevent the inflatable restraint from being incorrectly buckled and/or incorrectly installed such that the airbag would not properly deploy. Alternatively, it must be shown that such deployment is not hazardous to the occupant and will provide the required protection.

4. It must be shown that the inflatable restraint system is not susceptible to inadvertent deployment as a result of wear and tear or the inertial loads resulting from in-flight or ground maneuvers (including gusts and hard landings) that are likely to be experienced in service.

5. It must be shown (or be extremely improbable) that an inadvertent deployment of the restraint system during the most critical part of the flight does not impede the pilot's ability to maintain control of the airplane or cause an unsafe condition (or hazard to the airplane). In addition, a deployed inflatable restraint must be at least as strong as a Technical Standard Order (C114) 5-point harness.

6. It must be shown that deployment of the inflatable restraint system is not hazardous to the occupant or result in injuries that could impede rapid egress. This assessment should include occupants whose restraint is loosely fastened.

7. It must be shown that an inadvertent deployment that could cause injury to a standing or sitting person is improbable.

8. It must be shown that the inflatable restraint will not impede rapid egress of the occupants 10 seconds after its deployment.

9. For the purposes of complying with HIRF and lightning requirements, the inflatable restraint system is considered a critical system since its deployment could have a hazardous effect on the airplane.

10. It must be shown that the inflatable restraints will not release hazardous quantities of gas or particulate matter into the cabin.

11. The inflatable restraint system installation must be protected from the effects of fire such that no hazard to occupants will result.

12. There must be a means to verify the integrity of the inflatable restraint activation system prior to each flight or it must be demonstrated to reliably operate between inspection intervals.

13. A life limit must be established for appropriate system components.

14. Qualification testing of the internal firing mechanism must be performed at vibration levels appropriate for a general aviation airplane.

Issued in Kansas City, Missouri on August 26, 2004.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–20622 Filed 9–13–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2004–CE–01–AD]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech 100, 200, and 300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 93–25–07, which applies to Raytheon Aircraft Company (Raytheon) Beech 100, 200, and 300 series airplanes. AD 93–25–07 currently requires you to repetitively inspect the fuselage stringers for cracks and modify at certain times depending on the number of cracked stringers. This proposed AD is the result of FAA's policy (since 1996) to not allow airplane operation when known cracks exist in primary structure. The fuselage structure is

considered primary structure and operation is currently allowed for a certain period of time if less than five fuselage stringers are cracked. Consequently, this proposed AD would retain the inspection and modification requirements of AD 93–25–07, but would require you to repair any cracked fuselage stringers. We are issuing this proposed AD to detect and correct any cracked fuselage stringers in the rear pressure bulkhead area, which could result in structural damage to the fuselage. This damage could lead to failure of the fuselage with potential loss of control of the airplane.

DATES: We must receive any comments on this proposed AD by November 2, 2004.

ADDRESSES: Use one of the following to submit comments on this proposed AD:

- *By mail:* FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2004–CE–01–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.
- *By fax:* (816) 329–3771.
- *By e-mail: 9-ACE-7-Docket@faa.gov.* Comments sent electronically must contain ''Docket No. 2004–CE–01–AD'' in the subject line. If you send comments electronically as attached electronic files, the files must be formatted in Microsoft Word 97 for Windows or ASCII.

You may get the service information identified in this proposed AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140.

You may view the AD docket at FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2004–CE–01–AD, 901 Locust, Room 506, Kansas City, Missouri 64106. Office hours are 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4107.

SUPPLEMENTARY INFORMATION:

Comments Invited

How do I comment on this proposed AD? We invite you to submit any written relevant data, views, or arguments regarding this proposal. Send your comments to an address listed under **ADDRESSES.** Include ''AD Docket No. 2004–CE–01–AD'' in the subject line of your comments. If you want us to acknowledge receipt of your mailed comments, send us a self-addressed, stamped postcard with the docket number written on it. We will date-stamp your postcard and mail it back to you.

Are there any specific portions of this proposed AD I should pay attention to? We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. If you contact us through a nonwritten communication and that contact relates to a substantive part of this proposed AD, we will summarize the contact and place the summary in the docket. We will consider all comments received by the closing date and may amend this proposed AD in light of those comments and contacts.

Discussion

Has FAA taken any action to this point? Reports of cracks on the fuselage stringers in the rear pressure bulkhead area on Raytheon Beech 100, 200, and 300 series airplanes caused us to issue AD 93–25–07, Amendment 39–8773. AD 93–25–07 currently requires the following on Raytheon Beech Models 200, A200, B200, A100–1, 200C, A200C, B200C, 200CT, A200CT, B200CT, 200T, B200T, 300, B300, and B300C airplanes:

—Repetitive inspections of the fuselage stringers for cracks; and

—Modification at certain times depending on the number of cracked stringers.

What has happened since AD 93–25–07 to initiate this proposed action? As currently written, AD 93–25–07 allows continued flight if cracks are found in less than five fuselage stringers in the area of the rear pressure bulkhead. In 1996, FAA developed policy to not allow airplane operation when known cracks exist in primary structure, unless the ability to sustain limit and ultimate load with these cracks is proven. The fuselage stringers in the area of the rear pressure bulkhead are considered primary structure.

This proposed AD would bring the actions of AD 93–25–07 in compliance with FAA policy. Therefore, FAA has determined:

—That airplane operation on the affected airplanes should not be allowed for more than 25 hours time-in-service (TIS) if less than five fuselage stringers (Stringer Nos. 5 through 11) in the rear pressure bulkhead are cracked; and

—That no operation should be allowed until modification for any airplane with five or more cracked fuselage stringers (Stringer Nos. 5 through 11) in the rear pressure bulkhead.

The FAA has also identified other airplanes that should be affected by this action.

What is the potential impact if FAA took no action? Cracked fuselage stringers in the rear pressure bulkhead area, if not detected and corrected, could result in structural damage to the fuselage. This damage could lead to failure of the fuselage with potential loss of control of the airplane.

Is there service information that applies to this subject? Raytheon has issued Mandatory Service Bulletin SB 53–2472, Rev. 4, Revised: July, 2003.

What are the provisions of this service information? The service bulletin includes procedures for:

—Inspecting the fuselage stringers (Nos. 5 through 11) in the rear pressure bulkhead for cracks; and

—Incorporating a modification kit on any cracked fuselage stringer.

Determination and Requirements of This Proposed AD

What has FAA decided? We have evaluated all pertinent information and identified an unsafe condition that is likely to exist or develop on other products of this same type design. Therefore, we are proposing AD action.

What would this proposed AD require? This proposed AD would supersede AD 93–25–07 with a new AD that would retain the requirement of repetitively inspecting the fuselage stringers for cracks, but would require the repair of any cracked fuselage stringers. The FAA is proposing a grace period of 25 cycles for all airplanes with less than five cracked fuselage stringers. The repetitive inspections would no longer be required when all fuselage stringers (Nos. 5 though 11) in the rear pressure bulkhead are modified. The specific Raytheon Beech airplane models affected by this AD are as follows:

Model	Serial Nos.
A100–1 (U–21J)	BB–3 through BB–5.
200 and B200	BB–2 and BB–6 through BB–1462.
A200 (C–12A) and A200 (C–12C).	BC–1 through BC–75 and BD–1 through BD–30.
A200C (UC–12B)	BJ–1 through BJ–66.
A200CT (C–12D)	BP–1, BP–22, and BP–24 through BP–51.
A200CT (FWC–12D)	BP–7 through BP–11.
A200CT (RC–12D)	GR–1 through GR–13.
A200CT (C–12F)	BP–52 through BP–63.
A200CT (RC–12G) ...	FC–1 and FC–3.
A200CT (RC–12H)	GR–14 through GR–19.
A200CT (RC–12K)	FE–1 through FE–9.

Model	Serial Nos.
A200CT (RC–12P)	FE–10 through FE–24.
A200CT (RC–12K)	FE–25 through FE–31.
200C and B200C	BL–1 through BL–72 and BL–124 through BL–138.
200CT and B200CT ..	BN–1 through BN–4.
B200T and 200T	BT–1 through BT–38.
B200C (C–12F)	BL–73 through BL–112 and BL–118 through BL–123.
B200C (C–12F)	BP–64 through BP–71.
B200C (UC–12F)	BU–1 through BU–10.
B200C (UC–12M)	BV–1 through BV–12.
B200CT	FG–1 and FG–2.
300	FA–1 through FA–228.
300	FF–1 through FF–19.
B300	FL–1 through FL–103.
B300C	FM–1 through FM–8.
B300C	FN–1.

How does the revision to 14 CFR part 39 affect this proposed AD? On July 10, 2002, we published a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs FAA's AD system. This regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. This material previously was included in each individual AD. Since this material is included in 14 CFR part 39, we will not include it in future AD actions.

Costs of Compliance

How many airplanes would this proposed AD impact? We estimate that this proposed AD affects 2,300 airplanes in the U.S. registry.

What would be the cost impact of this proposed AD on owners/operators of the affected airplanes? We estimate the following costs to do each proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
2 workhours at $65 per hour = $130 per airplane.	No special parts necessary to do the inspection.	$130 per airplane	$299,000

We estimate the following costs to incorporate the fuselage stringer repair kit that would be required based on the results of this proposed inspection. We have no way of determining the number of airplanes that may need this repair kit:

Labor cost	Parts cost	Total cost per airplane
11 workhours at $65 per hour = $715 per airplane.	Approximately $200 per repair kit with one to three kits necessary depending on the extent of the cracks (possible total of $600 per airplane).	Ranging from $915 per airplane to $1,315 per airplane.

Regulatory Findings

Would this proposed AD impact various entities? We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

Would this proposed AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this proposed AD:

1. Is not a ''significant regulatory action'' under Executive Order 12866;

2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a summary of the costs to comply with this proposed AD and placed it in the AD Docket. You may get a copy of this summary by sending a request to us at the address listed under **ADDRESSES.** Include ''AD Docket No. 2004–CE–01–AD'' in your request.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 93–25–07, Amendment 39–8773, and by adding a new AD to read as follows:

Raytheon Aircraft Company: Docket No. 2004–CE–01–AD.

When Is the Last Date I Can Submit Comments on This Proposed AD?

(a) We must receive comments on this proposed airworthiness directive (AD) by November 2, 2004.

What Other ADs Are Affected By This Action?

(b) This AD supersedes AD 93–25–07, Amendment 39–8773.

What Airplanes Are Affected By This AD?

(c) This AD affects the following Beech airplane models and serial numbers that are certificated in any category:

Model	Serial Nos.
(1) A100–1 (U–21J) ..	BB–3 through BB–5.
(2) 200 and B200	BB–2 and BB–6 through BB–1462.
(3) A200 (C–12A) and A200 (C–12C).	BC–1 through BC–75 and BD–1 through BD–30.
(4) A200C (UC–12B)	BJ–1 through BJ–66.
(5) A200CT (C–12D)	BP–1, BP–22, and BP–24 through BP–51.
(6) A200CT (FWC–12D).	BP–7 through BP–11.
(7) A200CT (RC–12D).	GR–1 through GR–13.
(8) A200CT (C–12F)	BP–52 through BP–63.
(9) A200CT (RC–12G).	FC–1 and FC–3.
(10) A200CT (RC–12H).	GR–14 through GR–19.
(11) A200CT (RC–12K).	FE–1 through FE–9.
(12) A200CT (RC–12P).	FE–10 through FE–24.

Model	Serial Nos.
(13) A200CT (RC–12K).	FE–25 through FE–31.
(14) 200C and B200C	BL–1 through BL–72 and BL–124 through BL–138.
(15) 200CT and B200CT.	BN–1 through BN–4.
(16) 200T and B200T	BT–1 through BT–38.
(17) B200C (C–12F)	BL–73 through BL–112 and BL–118 through BL–123.
(18) B200C (C–12F)	BP–64 through BP–71.
(19) B200C (UC–12F)	BU–1 through BU–10.
(20) B200C (UC–12M).	BV–1 through BV–12.
(21) B200CT	FG–1 and FG–2.
(22) 300	FA–1 through FA–228.
(23) 300	FF–1 through FF–19.
(24) B300	FL–1 through FL–103.
(25) B300C	FM–1 through FM–8.
(26) B300C	FN–1.

What Is the Unsafe Condition Presented in This AD?

(d) As currently written, AD 93–25–07 allows continued flight if cracks are found in less than five fuselage stringers in the area of the rear pressure bulkhead. In 1996, FAA developed policy to not allow airplane operation when known cracks exist in primary structure, unless the ability to sustain limit and ultimate load with these cracks is proven. The fuselage stringers in the area of the rear pressure bulkhead are considered primary structure. This AD will bring the actions of AD 93–25–07 in compliance with FAA policy. The actions specified in this AD are intended to detect and correct any cracked fuselage stringers in the rear pressure bulkhead area, which could result in structural damage to the fuselage. This damage could lead to failure of the fuselage with potential loss of control of the airplane.

What Must I Do To Address This Problem?

(e) To address this problem, you must do the following:

Actions	Compliance	Procedures
(1) *For airplanes that have known cracks that exist in any of the aft fuselage stringer locations (No. 5 through No. 11 on both the left-hand and right-hand sides).* Either modify or incorporate repairs as specified below. These cracks could have been detected through compliance with AD 93–25–07 and/or Raytheon Mandatory Service Bulletin SB 53–2472, any revision level: (i) Incorporate the applicable modification kit or kits as specified in Raytheon Mandatory Service SB 53–2472, Rev. 4, Issued: June, 1993, Revised: 1993, Revised: July, 2003; or (ii) Incorporate external doubler repairs on all aft fuselage stringer locations (No. 5 through No. 11 on both the left-hand and right-hand sides).	*If airplane has than five known cracked stringers:* Within 25 cycles after the effective date of this AD, unless previously done. If cycles are unknown, then you may divide hours time-in-service (TIS) by .75 (18.75 hours TIS ÷ .75 = 25 cycles). *If airplane has five or more known cracked stringers:* Prior to further flight after the effective date of this AD, unless previously done. AD 93–25–07 already required this.	Incorporate the modification kit(s) following the procedures in Raytheon Mandatory Service Bulletin SB 53–2472, Rev. 4, Issued: June, 1993, Revised: July, 2003, Incorporate the external doubler repairs following the procedures in the maintenance manual.
(2) For all airplanes that do not have either the modifications or repairs specified in paragraphs (e)(1)(i) and (e)(1)(ii) of this AD incorporated in all aft fuselage stringer locations (No. 5 through No. 11 on both the left-hand and right-hand sides): Inspect these aft fuselage stringers. You may terminate the repetitive inspections when all aft fuselage stringer locations (No. 5 through No. 11 on both the left-hand and right-hand sides) are modified.	*For airplanes affected by AD 93–25–07:* Initially inspect at the next inspection interval required by AD 93–25–07. Repetitively inspect thereafter at intervals not to exceed 500 cycles. If cycles are unknown, then you may divide hours time-in-service (TIS) by .75 (375 hours TIS ÷ .75 = 500 cycles). *For airplanes not affected by AD 93–25–07:* Initially inspect upon accumulating 2,500 cycles on the fuselage or within the next 25 cycles after the effective date of this AD, whichever occurs later, unless previously done. Repetitively inspect thereafter at intervals not to exceed 500 cycles. If cycles are unknown, then you may divide hours time-in-service (TIS) by .75 (1,875 hours TIS ÷ .75 = 2,500 cycles; 375 hours TIS ÷ .75 = 500 cycles; and 18.75 hours TIS ÷ .75 = 25 cycles).	Inspect following the procedures in Raytheon Mandatory Service Bulletin SB 53–2472, Rev. 4, Issued: June, 1993, Revised: July 2003.
(3) If any cracks are found during any inspection required by this AD, do one of the following: (i) Incorporate the applicable modification kit or kits as specified in Raytheon Mandatory Service Bulletin SB 53–2472, Rev. 4, Issued: June, 1993, Revised: July, 2003; or (ii) Incorporate external doubler repairs on all aft fuselage stringer locations (No. 5 through No. 11 on both the left-hand and right-hand sides).	*If less than five cracked stringers are found:* Within 25 cycles after the effective date of this AD, unless previously done. If cycles are unknown, then you may divide hours time-in-service (TIS) by .75 (18.75 hours TIS ÷ .75 = 25 cycles). *If five or more cracked stringers are found:* Prior to further flight after any inspection where five cracked stringers are found, unless previously done.	Incorporate the modification kit(s) following the procedures in Raytheon Mandatory Service Bulletin SB 53–2472, Rev. 4, Issued: June, 1993, Revised: July, 2003. Incorporate the external doubler repairs following the procedures in the maintenance manual.

May I Request an Alternative Method of Compliance?

(f) You may request a different method of compliance or a different compliance time for this AD by following the procedures in 14 CFR 39.19. Unless FAA authorizes otherwise, send your request to your principal inspector. The principal inspector may add comments and will send your request to the Manager, Wichita Aircraft Certification Office (ACO), FAA. For information on any already approved alternative methods of compliance,

contact Steven E. Potter, Aerospace Engineer, Wichita Aircraft Certification Office (ACO), FAA, 1801 Airport Road, Wichita, Kansas 67209; telephone: (316) 946–4124; facsimile: (316) 946–4107.

May I Get Copies of the Documents Referenced in This AD?

(g) You may get copies of the documents referenced in this AD from Raytheon Aircraft Company, 9709 E. Central, Wichita, Kansas 67201–0085; telephone: (800) 429–5372 or (316) 676–3140. You may view these documents at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on September 8, 2004.

Dorenda D. Baker,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 04–20688 Filed 9–13–04; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

[KY–248–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 on proposed amendment.

SUMMARY: We are announcing receipt of information from Kentucky pertaining to its regulatory program (the ''Kentucky program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Kentucky submitted examples of common husbandry practices in response to a required amendment. We are reviewing that information to determine if it satisfies our requirements. If so, the required amendment will be removed and the provisions previously disapproved will be approved. The decision will be announced in a future **Federal Register** notice.

This document gives the times and locations that the Kentucky program and this submittal are available for your inspection, the comment period during which you may submit written comments, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments until 4 p.m., e.s.t., October 14, 2004. If requested, we will hold a public hearing on October 9, 2004. We will accept requests to speak until 4 p.m., e.s.t., on September 29, 2004.

ADDRESSES: You may submit comments, identified by ''KY–248–FOR/Administrative Record No. 1634'' by any of the following methods:

- *E-mail: bkovacic@osmre.gov.*
- *Mail/Hand Delivery:* William J. Kovacic, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, *Telephone:* (859) 260–8400.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency docket number ''KY–248–FOR/Administrative Record No. KY–1634'' for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' section in this document. You may also request to speak at a public hearing by any of the methods listed above or by contacting the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Docket: You may review copies of the Kentucky program, this submission, a listing of any scheduled public hearings, and all written comments received in response to this document at OSM's Lexington Field Office at the address listed above during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the submission by contacting OSM's Lexington Field Office.

In addition, you may receive a copy of the submission during regular business hours at the following location:

Department for Natural Resources, 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564–6940.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Telephone: (859) 260–8400. Internet: *bkovacic@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program
II. Description of the Submission
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Kentucky Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Kentucky program on May 18, 1982. You can 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). You can also find later actions concerning Kentucky's program and program amendments at 30 CFR 917.11, 917.12, 917.13, 917.15, 917.16, and 917.17.

II. Description of the Submission

By letter dated July 29, 2004, Kentucky sent us information pertaining to its program, ([KY–248–FOR], Administrative Record No. KY–1634), under SMCRA (30 U.S.C. 1201 *et seq.*), in response to a required amendment at 30 CFR 917.16(i). A portion of the required amendment resulted from OSM's decision on June 9, 1993, to not approve proposed changes to 405 Kentucky Administrative Regulations (KAR) 16:200 sections 1(7)(a), (7)(a)1 through 5, 1(7)(b), and 1(7)(d) (58 FR 32283). The finding stated, in part, that Kentucky (unlike other States) had not submitted any administrative record information to demonstrate that its proposed practices were normal husbandry practices within Kentucky.

Kentucky has now submitted examples of common husbandry practices ''that would be encountered on lands in Kentucky and would not restart or extend the bond liability period.'' The examples pertain to the following categories of lands: hayland or pasture; forestland, commercial forestry, or fish and wildlife; and commercial, industrial, residential, or recreational. Kentucky references materials from the Kentucky College of Agriculture Cooperative Extension Service and the University of Kentucky, as well as practices recognized by other regulatory agencies. It notes that the University of Kentucky's ongoing research could lead to improved silvicultural and agricultural production which may result in future changes to husbandry practices.

We will review the information that Kentucky has submitted to determine if the practices meet the criteria identified in the notice. If the practices meet the requirements, we will approve the previously disapproved provisions and