

TABLE II.—ANNUITY VALUATIONS

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for $t=$	i_t	for $t=$	i_t	for $t=$
March 19950730	1–20	.0575	>20	N/A	N/A

Issued in Washington, DC, on this 10th day of February 1995.

Martin Slate,
Executive Director, Pension Benefit Guaranty Corporation.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving a proposed amendment to the Kentucky regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Kentucky has proposed revisions to the Kentucky Administrative Rules (KAR) at 405 KAR 7:080 concerning the types of assistance provided by Kentucky's Small Operator Assistance Program (SOAP) and the eligibility criteria for that assistance. The amendment is intended to revise the Kentucky program to be consistent with changes in section 507 of SMCRA enacted by Congress as part of the Energy Policy Act of 1992, Public Law 102–486.

EFFECTIVE DATE: February 15, 1995.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Rd, Lexington, Kentucky 40503. Telephone: (606) 233–2896.

SUPPLEMENTARY INFORMATION:

- I. Background on the Kentucky Program
- II. Submission of the Proposed Amendment
- III. Director's Findings
- IV. Summary and Disposition of Comments

- V. Director's Decision
- VI. Procedural Determinations

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 conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16, and 917.17.

II. Submission of the Proposed Amendment

By letter dated April 26, 1994 (Administrative Record No. KY–1278), Kentucky submitted a proposed amendment to its program on its own initiative. This amendment proposed to revise ten sections of Kentucky's regulations at 405 KAR 7:080 concerning Kentucky's Small Operator Assistance Program (SOAP). The proposed amendment included revisions to the sections pertaining to program services, eligibility for services, information requirements, and applicant liability. It also contained editorial revisions and clarifications of other sections.

OSM announced receipt of the proposed amendment in the May 20, 1994, **Federal Register** (59 FR 26471), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on June 20, 1994.

In the September 1, 1994, **Federal Register** (59 FR 45201), the Director of OSM announced his decision to approve the amendment, with certain exceptions. As part of his decision, the Director required Kentucky to submit a second proposed amendment to further

revise 405 KAR 7:080 sections 5(2) and 11(1) to:

(1) Delete the phrase “the twelve (12) months immediately following the date the permit is issued”;

(2) Provide that an applicant establish that his or her probable total attributed annual production from all locations on which the operator is issued the surface coal mining and reclamation permit will not exceed 300,000 tons; and

(3) Either delete the word “laboratory” in the phrase “The applicant shall reimburse the cabinet for the costs of the laboratory services performed * * *” or otherwise specify that the costs of all services rendered pursuant to 405 KAR 7:080 shall be reimbursed by SOAP recipients.

By letter dated October 3, 1994 (Administrative Record No. KY–1320), Kentucky submitted further rule revisions in an amendment intended to address the requirements in the Director's September 1, 1994, decision and to make other editorial corrections to Kentucky's regulations. OSM announced receipt of the proposed amendment in the November 14, 1994, **Federal Register** (59 FR 56449), and in the same document opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on December 14, 1994.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment.

Revisions not specifically discussed below concern nonsubstantive wording changes, or cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Kentucky's Regulations That Are Substantively Identical to the Corresponding Provisions of the Federal Regulations