

4. The Joint Committee on Administrative Rules will conduct a committee hearing and issue a determination by December 31, 1991.

5. Once the proposed rule package is approved by the Joint Committee on Administrative Rules, the rules will be submitted to the Michigan Secretary of State for codification in the Act 64 administrative rules.

Michigan expects to submit an application to U.S. EPA requesting authorization for the Federal regulations listed above by February 28, 1992.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: April 17, 1991.

Ralph Bauer,

Acting Regional Administrator.

[FR Doc. 91-10144 Filed 4-29-91; 8:45 am]

BILLING CODE 6550-50-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 6854

[ID-943-4214-10; IDI-27721, IDI-27872]

#### Partial Revocation of the Secretarial Orders Dated May 20, 1926, and March 26, 1930; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

**SUMMARY:** This order revokes two Secretarial Orders insofar as they affect 5 acres of National Forest System land withdrawn for the Bureau of Land Management Powersite Classification No. 146 and the Bureau of Reclamation Owyhee Reclamation Project in the Boise National Forest. The withdrawals are being revoked so the Forest Service can transfer the land to the Department of Energy to clean up radioactive sands left over from the trespass milling of rare earths on the land. The land is not needed for reclamation or powersite purposes. This action will open the land to surface entry and mining. The land has been and will remain open to the mineral leasing laws.

**EFFECTIVE DATE:** May 30, 1991.

**FOR FURTHER INFORMATION CONTACT:**

Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334-1735.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders dated May 20, 1926, and March 26, 1930, which withdrew the land for the Bureau of Land Management Powersite Classification No. 146 and the Bureau of Reclamation Owyhee Reclamation Project, respectively, are hereby revoked insofar as they affect the following described land:

Boise Meridian

T. 9 N., R. 7 E.,

sec. 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

The area described contains 5 acres in Boise County.

2. At 9 a.m. on May 30, 1991, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the United States mining laws. Appropriation of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: April 23, 1991.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-10128 Filed 4-29-91; 8:45 am]

BILLING CODE 4310-66-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Family Support Administration

#### 45 CFR Part 402

RIN 0970-AA73

#### State Legalization Impact Assistance Grants (SLIAG)

AGENCY: Family Support Administration, HHS.

ACTION: Final rule with comment.

**SUMMARY:** This rule amends Department regulations implementing the State Legalization Impact Assistance Grant (SLIAG) program, 45 CFR part 402, published at 53 FR 7832 et seq. (March 10, 1988). The amendments incorporate references to new Departmental grant administration regulations at 45 CFR part 92, which are applicable to most

grants awarded by the Department of Health and Human Services after October 1, 1988 to States, local governments, and Federally recognized Indian tribes. This regulation also implements technical amendments made to the Immigration Reform and Control Act of 1986, the authorizing legislation for SLIAG by the Immigration Technical Corrections Act of 1988 (Pub. L. 100-525).

**DATES:** Effective: April 30, 1991.

Comments must be received on or before May 30, 1991.

**ADDRESSES:** Comments may be mailed to: Family Support Administration, Attention: David B. Smith, Mail Stop: ORR, 370 L'Enfant Promenade, SW., Washington, DC 20447.

**FOR FURTHER INFORMATION CONTACT:** David B. Smith, Director, Division of State Legalization Assistance, at 202-401-9255.

**SUPPLEMENTARY INFORMATION:** Section 204 of the Immigration Reform and Control Act of 1986 (Pub. L. 99-603), enacted on November 6, 1986, establishes State Legalization Impact Assistance Grants (SLIAG) for States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam for fiscal years 1988 through 1991. (The term "State" is used hereinafter as defined in the current SLIAG regulation, that is, to include all eligible SLIAG grantees.) States may use (obligate) SLIAG grant funds through September 30, 1994. The purpose of SLIAG is to alleviate some of the financial impact on State and local governments that may result from the legalization of aliens under the Immigration Reform and Control Act (IRCA).

On March 10, 1988, the Department published a final rule implementing section 204 of IRCA. (These regulations, 45 CFR part 402, were published at 53 FR 7832 et seq.) These amendments to the final rule are designed to make certain conforming modifications based on Departmental and Congressional actions since the publication of the final rule. The Department finds good cause for dispensing with a notice of proposed rulemaking and attendant procedures because the technical and conforming nature of these amendments renders prior notice and public comment unnecessary. A subsequent 30 day comment period will be provided.

#### Amendments to reflect 45 CFR part 92

Effective October 1, 1988, 45 CFR part 92, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," replaced 45 CFR

part 74 for the administration of most HHS grants to States, local governments, and Federally recognized Indian tribes, including SLIAG. Part 74 will no longer be applicable to grants covered by part 92, i.e., for FY 1989 and subsequent fiscal years' SLIAG grants. We are therefore amending those sections of the current regulation affected by this change.

This amendment incorporates references to Part 92 into 45 CFR part 402 where they do not conflict with the intentions of the citations to part 74 in the SLIAG regulation. In most instances, we have simply added a reference to part 92, in addition to the existing reference to part 74. Part 74 continues to apply to FY 1988 grants; part 92 applies to subsequent years' grants. This amendment, however, allows a State to apply any or all provisions of part 92 to FY 1988 SLIAG funds. This will simplify administration of the program.

There is an existing reference to part 74 in part 402 where we have not added a reference to part 92. Section 402.2 currently defines the term "Recipient" by incorporating the definition in part 74. Part 92 does not define the term "Recipient." Therefore, we have deleted the reference to part 74, and instead substituted the full text of the part 74 definition. This change will avoid confusion as to the definition of "Recipient" for fiscal years after FY 1988. This definition applies to all fiscal years' SLIAG grants.

This amendment incorporates the definition of "Local government" that is in part 92. This term also is defined in part 74. That definition is marginally different from the definition in part 92. We have incorporated the part 92 definition in order to avoid having two different definitions of this critical term in this temporary program. This definition applies to all SLIAG grants, beginning with FY 1988.

We have adopted the time limit for the expenditure of grant funds contained in part 92 for all years' SLIAG grants. Currently, grant funds subject to part 92 must be expended not later than 90 days after the end of the funding period. For FY 1989, 1990, and 1991 SLIAG grant funds, this date currently would be December 29, 1994, because section 204(b)(4) of IRCA allows States to obligate funds through September 30, 1994. The funding period of a SLIAG grant begins on October 1 of the Federal fiscal year for which the allotment is made and ends on September 30, 1994.

The SLIAG regulation currently requires that obligations by States be liquidated within 12 months of the end of the fiscal year in which the obligation

was made. This requirement would continue in effect for FY 1988 grant funds if we did not amend the regulation to adopt the part 92 time limit. Without this amendment, States would have to cope with two time limits—one applicable to FY 1988 grant funds and another applicable to subsequent years' funds. We concluded that this was overly complicated and are therefore adopting a uniform rule for all SLIAG grant funds, i.e., the time period imposed by 45 CFR 92.23(b). Except for FY 1988 funds obligated by States in FY 1994, part 92 allows States more flexibility by allowing a longer period for the expenditure of grant funds.

#### **Incorporation of Technical Amendments to IRCA**

The Immigration Technical Corrections Act (Pub. L. 100-525), enacted on October 24, 1988, amends IRCA, the legislative authority for SLIAG. Section 2(k)(5) of the Immigration Technical Corrections Act (ITCA) provides that States may use SLIAG funds to reimburse the costs of public health assistance provided to aliens applying on a timely basis to become eligible legalized aliens under sections 245A, 210, or 210A of the Immigration and Nationality Act (INA). This amends section 204(c)(1)(B) of IRCA which restricted the use of funds for such purpose to those aliens applying only under section 245A of the INA. To conform with this provision, we have amended section 402.10 of the SLIAG regulation to allow States to use SLIAG funds to reimburse the costs of public health assistance provided to aliens who have applied to INS for lawful temporary resident status under sections 210, 210A, or 245A of the INA.

Another amendment to IRCA by ITCA necessitates that we amend § 402.33 to state that we will reallocate among other States the designated allotment of any State that indicates in its application that it does not intend to use the full amount of its allocation in the fiscal year for which the application is made or any succeeding fiscal year before 1995. The reference to "any succeeding fiscal year before 1995" replaces "the succeeding fiscal year" both in IRCA and in the regulation.

There are other changes in the ITCA which affect section 204 of IRCA, but these changes are technical corrections to the statutory language and do not require any additional changes to the SLIAG regulation.

#### **Required Consultation**

Section 204(i) of IRCA requires that the Department consult with representatives of State and local

governments in establishing regulations and guidelines for SLIAG. Section 204(e) of IRCA permits the Secretary to require the submission of reports in such form and containing such information as he deems necessary after consultation with States and the Comptroller General. Since these amendments are being made to conform the SLIAG regulation to existing Departmental and Congressional actions, and do not affect any other aspect of those regulations, including reporting requirements, we are publishing these amendments as a final rule. Any interested party that wishes to comment on these amendments may do so in accordance with the instructions already noted.

#### **Regulatory Procedures**

In accordance with 5 U.S.C. 605(b), the Secretary certifies that this rule does not have a significant adverse economic impact on small business entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

#### **Paperwork Reduction Act**

Section 402.51 (c) and (e) of the SLIAG final rule contain information collection requirements which have been approved by the Office of Management and Budget under control number 0970-0079. There are no new information collection requirements contained in these amendments.

(Catalogue of Federal Domestic Assistance Program No. 93.025, State Legalization Impact Assistance Grants)

#### **List of Subjects in 45 CFR Part 402**

Administrative cost, Allocation formula, Aliens, Allotment, Education, Grant programs, Immigration, Immigration Reform and Control Act, Public assistance, Public health assistance, Reporting and recordkeeping requirements, State Legalization Impact Assistance Grants.

Dated: November 29, 1990.

Jo Anne B. Barnhart,  
Assistant Secretary, Family Support  
Administration.

Approved: April 5, 1991.

Louis W. Sullivan,  
Secretary of Health and Human Services.

For the reasons set out in the preamble, 45 CFR part 402 is amended as follows:

#### **PART 402—STATE LEGALIZATION IMPACT ASSISTANCE GRANTS**

1. The authority citation for part 402 is revised to read as follows:

Authority: 8 U.S.C. 1255a note, as amended.

2. Section 402.2 is amended by revising the definitions of "The Act," "Local government," and "Recipient," and by revising paragraph (2) in the last sentence of the definition of "SLIAG-related costs," to read as follows:

**§ 402.2 Definitions.**

*The Act* means the Immigration Reform and Control Act of 1986, Public Law 99-603, as amended.

*Local government* has the same meaning as in 45 CFR part 92.

*Recipient* means grantee or subgrantee.

*SLIAG-related costs* \* \* \* (2) program income (as defined in 45 CFR 74.42 or 45 CFR 92.25(b), as applicable) received from or on behalf of eligible legalized aliens receiving services or benefits for which payment or reimbursement may be made under this part.

3. Section 402.10 is amended by revising paragraphs (a)(2) and (c) to read as follows:

**§ 402.10 Allowable use of funds.**

(a) \* \* \*  
(2) Public health assistance provided to an alien applying on a timely basis to become an eligible legalized alien under sections 245A, 210, or 210A of the INA.

(c) To the extent consistent with 45 CFR part 74 (for grants awarded in FY 1988) or 45 CFR part 92 (for grants awarded in FY 1989 and succeeding fiscal years) and § 402.22 of this part, funds provided under this part may be used for State and local costs associated with meeting the administrative requirements established by the Act and this part and the administrative costs associated with providing assistance or services to eligible legalized aliens under a program or activity that receives funds under this part.

4. Section 402.11 is amended by revising paragraph (e)(5) to read as follows:

**§ 402.11 Limitations on use of SLIAG funds.**

(e) \* \* \*  
(5) In no event may the amount paid to a local education agency or other provider of educational services exceed the actual costs of providing those services to eligible legalized aliens, as determined in accordance with 45 CFR part 74 (for grants awarded in FY 1988)

or 45 CFR part 92 (for grants awarded in FY 1989 and succeeding fiscal years).

5. Section 402.20 is revised to read as follows:

**§ 402.20 General provisions.**

Except where otherwise required by Federal law, the Department rules codified at 45 CFR part 74 (for grants awarded in FY 1988) or 45 CFR part 92 (for grants awarded in FY 1989 and succeeding fiscal years), relating to the administration of grants, apply to funds awarded under this part. A State may, however, apply any or all provisions of part 92 to FY 1988 SLIAG funds.

6. Section 402.24 is revised to read as follows:

**§ 402.24 Withholding.**

After notice and opportunity for a hearing, the Secretary may withhold payment of funds to any State which is not using its allotment in accordance with the Act, these regulations, 45 CFR part 74 (for grants awarded in FY 1988) or 45 CFR part 92 (for grants awarded in FY 1989 and succeeding fiscal years), and terms of the grant award.

7. Section 402.26 is amended by adding a sentence to paragraph (a) and revising the first sentence of paragraph (b) to read as follows:

**§ 402.26 Time period for obligation and expenditure of grant funds.**

(a) \* \* \* The funding period of a SLIAG grant begins on October 1 of the Federal fiscal year for which the allotment is made and ends on September 30, 1994.

(b) Obligations of funds by the State must be expended within the time limit set by 45 CFR 92.23(b).

8. Section 402.33 is revised to read as follows:

**§ 402.33 Allotment of excess funds.**

If a State fails to qualify for an allotment in a particular fiscal year because it did not submit an approvable application by the deadline established in § 402.43 of this part, or is not allotted its designated allocation amount because it indicated in its application that it does not intend to use, in the fiscal year for which the application is made or in any succeeding fiscal year before FY 1995, the full amount of its allocation, funds which would otherwise have been allotted to the State in that fiscal year shall be allotted among the remaining States submitting timely approved applications in proportion to the amount that otherwise would have

been allotted to such State in that fiscal year.

[FR Doc. 91-10081 Filed 4-29-91; 8:45 am]  
BILLING CODE 4150-04-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[MM Docket No. 87-431; RM-5819]

**Radio Broadcasting Services; Cottonwood, AZ**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 240C1 for Channel 240A at Cottonwood, Arizona, and modifies the Class A license of Regency Communications Limited Partnership for Station KSMK-FM, as requested, to specify operation on the higher class channel, thereby providing that community with an expanded coverage FM service. See 52 FR 38797, October 19, 1987. Coordinates used for Channel 240C1 at Cottonwood are 34-41-12 and 112-07-00, with a site restriction 10.7 kilometers (6.6 miles) southwest of the community. Concurrence of the Mexican government has been received. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** June 7, 1991.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 87-431, adopted April 11, 1991, and released April 23, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

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

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended

by removing Channel 240A and adding Channel 240C1 at Cottonwood.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-10114 Filed 4-29-91; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 90-645; RM-7556]

#### Radio Broadcasting Services; Jesup and Midway, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document reallocates Channel 252C1 from Jesup to Midway, Georgia, and modifies the construction permit of Station WGCO(FM) to specify Midway, Georgia, as its community of license. The allotment of Channel 252C1 to Midway will provide the community with its first local aural FM service without depriving Jesup of its only aural service, in accordance with Section 1.420(i) of the Commission's Rules. See 56 FR 1508, January 15, 1991. Channel 252C1 can be allotted to Midway in compliance with the Commission's minimum distance separation requirements with a site restriction of 22.5 kilometers (14 miles) south of the community at petitioner's construction permit site. The coordinates for Channel 252C1 at Midway are North Latitude 31-36-45 and West Longitude 81-21-37. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** June 7, 1991.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 90-645, adopted April 11, 1991, and released April 23, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 252C1 at Jesup and adding Channel 252C1, Midway.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-10115 Filed 4-29-91; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 90-23; RM-7150]

#### Radio Broadcasting Services; Buckhannon, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Harlynn, Inc., substitutes Channel 228B1 for Channel 228A at Buckhannon, West Virginia, and modifies its license for Station WBTQ(FM) at Buckhannon to specify operation on the higher powered channel. See 55 FR 04208, February 7, 1990. Channel 228B1 can be allotted to Buckhannon in compliance with the Commission's minimum distance separation requirements at the site specified by the petitioner with a site restriction of 13 kilometers (8.1 miles) to avoid a short-spacing to Station WBNV, Channel 228A, Barnesville, Ohio. The coordinates for Channel 228B1 at Buckhannon are North Latitude 38-53-55 and West Longitude 80-08-22. Since Buckhannon is located within the protected areas of the National Radio Astronomy Observatory "Quiet Zone" at Green Bank, West Virginia, petitioner will be required to comply with the notification requirement of § 73.1030(a) of the Commission's Rules. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** June 10, 1991.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 90-23, adopted April 15, 1991, and released April 25, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets

Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by removing Channel 228A and adding Channel 228B1 at Buckhannon.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-10164 Filed 4-29-91; 8:45 am]

BILLING CODE 6712-01-M

#### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

#### 50 CFR Part 17

RIN: 1018-AB52

#### Endangered and Threatened Wildlife and Plants; Endangered Status for the Lower Keys Population of the Rice Rat (Silver Rice Rat)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

**SUMMARY:** The Service determines endangered status for the Lower Keys population of the rice rat, or silver rice rat (*Oryzomys palustris natator* (= *Oryzomys argentatus*)), a small mammal restricted to wetlands of the Lower Keys of Monroe County, Florida. This species is known to occur on eight keys, generally at low population levels. It is believed extirpated from one key where it formerly occurred, and may also have been extirpated from two other keys. The species is endangered by habitat loss due to residential and commercial development, and by predation, competition, and habitat modification from various introduced mammals. Its low populations may endanger it because of reduced genetic variability. This rule extends the protection of the Endangered Species