

that the Government of Cuba allows substantially reciprocal privileges to United States-registered aircraft engaged in foreign trade. Based on this determination, a reciprocal exemption from duties and taxes has been granted to aircraft registered in Cuba.

EFFECTIVE DATE: This exemption became effective on January 19, 1981.

FOR FURTHER INFORMATION CONTACT: Benjamin H. Mahoney, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5778).

SUPPLEMENTARY INFORMATION:

Background

Sections 309 and 317, Tariff Act of 1930, as amended (19 U.S.C. 1309, 1317), provide that foreign-registered aircraft engaged in foreign trade may withdraw articles of foreign or domestic origin from Customs or Internal Revenue custody without the payment of customs duties and/or internal-revenue taxes, for use as supplies (including equipment), ground equipment, maintenance, or repair of the aircraft. This privilege is granted if the Secretary of Commerce finds, and advises the Secretary of the Treasury, that the country in which the foreign aircraft is registered allows substantially reciprocal privileges to United States-registered aircraft. Section 10.59(f), Customs Regulations (19 CFR 10.59(f)), lists those countries whose aircraft have been found to be entitled to these privileges.

In accordance with 19 U.S.C. 1309(d), the Assistant Secretary of Commerce for International Economic Policy, to whom the authority was delegated by the Secretary of Commerce (45 FR 11862, February 22, 1980), has found and by letter dated January 19, 1981, has advised the Secretary of the Treasury, that the Government of Cuba allows privileges substantially reciprocal for aircraft supplies to those provided in 19 U.S.C. 1309 and 1317 to United States-registered aircraft engaged in foreign trade. Corresponding privileges accordingly are extended to aircraft registered in Cuba and engaged in foreign trade, effective as of January 19, 1981.

Amendment to the Regulations

To reflect the granting of reciprocal privileges to aircraft of Cuba, § 10.59 (F), Customs Regulations (19 CFR 10.59(f)), is amended by inserting "Cuba" in appropriate alphabetical order in the column headed "Country," the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)," and in the opposite column headed "Exemptions, if any, as noted," add the

words "Applicable only as to aircraft supplies."

(Secs. 309, 317, 624, 46 Stat. 690, as amended 696, as amended, 759 (19 U.S.C. 1309, 1317, 1624))

Inapplicability of Public Notice and Delayed Effective Date Requirements

Because the subject matter of this document does not constitute a departure from established policy or procedures but merely announces the granting of an exemption for which there is a statutory basis, pursuant to 5 U.S.C. 553 (b)(B)), notice and public procedures thereon are found to be unnecessary and pursuant to 5 U.S.C. 553 (d)(1), a delayed effective date is not required.

Inapplicability of Regulatory Flexibility Act

This document is not subject to the provisions of sections 603 and 604 of title 5, United States Code, as added by section 3 of Pub. L. 96-354, the "Regulatory Flexibility Act." That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) or any other statute.

Executive Order 12291

This amendment does not meet the criteria for a "major" regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Barbara E. Whiting, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Department of Commerce participated in its development.

Dated: June 22, 1981.
John P. Simpson,
Acting Assistant Secretary of the Treasury.
(FR Doc. 81-21880 Filed 7-24-81; 10:35 am)
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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 52

Tribal Reorganization Under a Federal Statute

July 17, 1981.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Effective date for final rule.

SUMMARY: At the request of the Office of Management and Budget, the Bureau of Indian Affairs delayed the effective date of a revision of 25 CFR Part 52, Tribal Reorganization Under a Federal Statute. The information collection requirement contained in § 52.11 of the final rule has been approved by the Office of Management and Budget and the rule is now being amended to include the clearance number and statement required by the Paperwork Reduction Act. The effective date of the rule is also being changed.

DATE: The revision of 25 CFR Part 52 as published in the Federal Register on January 7, 1981, as amended herein at § 52.11(a) shall become effective on July 27, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert M. Farring, Division of Tribal Government Services, Branch of Tribal Relations, Bureau of Indian Affairs, 202-343-4045.

SUPPLEMENTARY INFORMATION: On January 7, 1981, 25 CFR Part 52 was published in the Federal Register as a final rule to become effective on February 5, 1981, (46 FR 1868). In accordance with the President's January 29, 1981, memorandum, a notice published in the February 4, 1981, issue of the Federal Register (46 FR 10707), extended the effective date until March 30, 1981. In order to permit reconsideration of the rule under Executive Order 12291, a notice appeared in the March 30, 1981, issue of the Federal Register (46 FR 19233) further extending the effective date until April 30, 1981.

The Office of Management and Budget reviewed 25 CFR Part 52 and determined that the information collection requirements contained in revised §§ 52.8, 52.10, 52.11, 52.12, 52.19 and 52.23 must be approved by the office as required by the Paperwork Reduction Act of 1980. In order to comply with the Act, the effective date of 25 CFR Part 52 was extended to June 15, 1981, by a notice in the April 30, 1981, issue of the Federal Register (46 FR 24177).

By a May 19, 1981, memorandum, the Bureau of Indian Affairs transmitted a request for the Office of Management and Budget to review and approve the information collection feature of the rule. That memorandum clarified the unwarranted impression that election boards fall within the definition of "persons" as stated in the Paperwork Reduction Act of 1980. Correcting this mistaken impression would mean that completion of the voter registration form cited in revised § 52.11 is the only

provision for collecting information from "persons" contained in Part 52.

In that the Office of Management and Budget had not completed its review of the information collection requirement of the rule by the June 15 effective date cited above, the effective date was further extended until September 1, 1981, by a notice in the June 18, 1981, issue of the *Federal Register*.

The Office of Management and Budget has now agreed that the information collection requirement of the rule is limited to the voter registration form required by 52.11(a) and has approved that feature of the revised regulations.

PART 52—TRIBES ORGANIZED UNDER SECTION 16 OF THE INDIAN REORGANIZATION ACT

Accordingly, § 52.11(a) of 25 CFR Part 52 shall be amended in its entirety to read as stated below and 25 CFR Part 52, as amended, shall become effective upon the date this notice is published in the *Federal Register*.

§ 52.11 Registration.

(a) Only registered voters will be entitled to vote, and all determinations of the sufficiency of the number of ballots cast will be based upon the number of registered voters. The election board, upon receipt of authorization to conduct an election, shall notify by regular mail all adult members of the tribe, who to its knowledge are eligible to vote pursuant to § 52.6 of the need to register if they intend to vote. Any tribal member who, to the election board's knowledge, will become 18 years of age within 150 days (180 days for Alaska tribes) from the date of authorization and who is otherwise eligible to vote shall also be notified and shall be eligible to register, provided that such a person shall not be entitled to vote if election day falls before the individual's 18th birthday. This notice shall be sent to an individual's last known address as it appears on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. Each notice addressed to a tribal member not residing on the reservation shall be accompanied by a preaddressed registration form (BIA Form 8302) which shall set forth the following information in the upper right corner: (1) OMB Clearance Number 1076-003, Expires June 30, 1983; (2) the name and address of the person desiring to register; (3) a statement with a signature line attesting that the individual is a tribal member and is at least 18 years of age, or will be within 150 days, (180 days for Alaska tribes) from the date of authorization; and (4)

the three following statements: "Completion of and return of this registration form is necessary if you desire to become qualified to vote in the forthcoming constitutional or charter election." "This form, upon completion and return to the election board, shall be the basis for determining whether you qualify to have your name placed upon the list of registered voters and receive a ballot" and "completion and return of this form is voluntary." Members who qualify as absentee voters and wish to cast an absentee ballot must complete and return the above registration form before, or in conjunction with, requesting an absentee ballot in sufficient time to permit compliance with § 52.12.

July 17, 1981.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-21901 Filed 7-24-81; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 1, 114, 115, and 116

[CGD 80-099]

Issuance of Bridge Permits; Delegation of Authority

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard presently issues all permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States through the Office of the Commandant. Some of these matters are routine in nature and of purely local concern and can therefore be processed more easily at the district level. These rules delegate authority to issue bridge permits of this type to each Coast Guard District Commander. Authority to issue permits that present greater complexities has been retained within Coast Guard Headquarters. A number of editorial changes to reflect these and other delegations of authority have also been made throughout these rules. In addition, these rules provide for appeals from the decision of a district commander in actions involving bridge permits and drawbridge operation regulations.

EFFECTIVE DATE: This amendment is effective on August 26, 1981.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Project Manager, or Nick Mpras, Chief, Bridge Permits

Branch, Bridge Administration Division (G-NBR/14), Office of Navigation, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: The Secretary of Transportation has been granted authority under 33 U.S.C. 401, 491, and 525 to approve the location, plans, and specifications for bridges that cross navigable waters of the United States. This authority has been delegated to the Commandant of the Coast Guard under 49 CFR 1.46(c). The Commandant is empowered to redelegate this authority within the Coast Guard under 49 CFR 1.45(b).

In the past, permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States have been issued through the Office of the Commandant on the basis of information submitted by the staff of the cognizant Coast Guard District. These amendments are principally intended to delegate authority for the issuance of these permits to each Coast Guard District Commander. Because many of these permits relate to matters of purely local concern, it is felt that they should be issued by officials who are in a better position to accommodate the needs of the public in the areas they serve.

Despite this delegation of authority, not every permit will be issued at the district level. The Commandant has reserved the authority to issue permits that: (a) require detailed analysis or Departmental concurrence under environmental laws; (b) involve amendments to permits previously issued by the U.S. Army Corps of Engineers; or (c) involve international bridges between the United States and Mexico or Canada. In the past, these matters have frequently required the Coast Guard to coordinate its actions with other government agencies. It is also desirable for a uniform approach to be taken nationwide when these considerations arise. This authority will be exercised on behalf of the Commandant by the Chief of the Office of Navigation, within Coast Guard Headquarters.

The Chief of the Office of Navigation will also issue permits which raise controversy involving the public or government agencies that cannot be satisfactorily resolved by a district commander. This will allow the necessary decisions to be made at a point suitably removed from the source of controversy.

Under these amendments, a district commander's decision to deny an

application for a bridge permit or drawbridge operation regulations may be appealed to the Commandant. This will provide aggrieved parties with an administrative remedy before having to seek judicial relief in a U.S. District Court. After considering an appeal, if the Commandant authorizes the issuance of a permit, it will be processed by the Headquarters staff. Some procedural requirements are specified for both the submission and consideration of appeals.

A number of provisions in Parts 114 and 115 that concern the processing of bridge permit applications have been revised to reflect the District Commanders' authority to issue these permits. Other provisions in Parts 114, 115 and 116 have been revised to reflect the transfer of the bridge administration function within Coast Guard Headquarters from the Office of Marine Environment and Systems to the Office of Navigation. In addition, provisions have been added to Part 1 specifying delegations of authority within Coast Guard Headquarters for the issuance of nonsignificant drawbridge and anchorage regulations which are not issued by district commanders. A corresponding change has been made to the provision reserving authority to the Commandant. These changes reflect internal delegations that have already been made within the Coast Guard.

Two provisions in Part 114 that merely restated the freedom of information and rulemaking requirements of the Administrative Procedure Act have been deleted. Additional revisions have been made to §§ 115.50 and 115.60 to eliminate provisions that are either redundant, outmoded, or concerned solely with internal Coast Guard procedures. Other revisions have been made to these sections to simplify their language, and organize them in a more logical fashion.

These amendments are only concerned with agency organization. Substantive standards for issuing bridge permits and the requirements for submitting applications have not been changed. Therefore, the notice and comment requirements of 5 U.S.C. 553 do not apply. They have no discernible economic impact upon the public or private sectors, and therefore do not require the preparation of a final evaluation under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5). In addition, this rulemaking is not subject to the Regulatory Flexibility Act (94 Stat. 1164), and is exempt from Executive Order 12291.

The principal persons involved in the drafting of these amendments are Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Parts 1, 114, 115, and 116 of Title 33, Code of Federal Regulations, are amended as set forth below:

GENERAL PROVISIONS

1. By adding a new § 1.01-50 to read as follows:

§ 1.01-50 Delegations for issuance of bridge permits.

(a) The Commandant delegates to the Chief, Office of Navigation, the authority to issue the following permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States:

(1) Those that require:

(i) An environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969, as amended, (42 U.S.C. 4321 et seq.) and all implementing regulations, orders, and instructions.

(ii) A determination under section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C. 1653).

(iii) Concurrence of the Department of Transportation under DOT Order 5610.1C (Procedures for Considering Environmental Impacts).

(2) Those that require a Presidential permit and approval under the International Bridge Act of 1972 (33 U.S.C. 535).

(3) Those that require the amendment of an existing permit issued by the U.S. Army Corps of Engineers.

(4) Those that raise substantial unresolved controversy involving the public, or are objected to by Federal, State, or local government agencies.

(5) Those authorized by the Commandant upon the appeal of a district commander's decision denying a permit.

(b) The Commandant delegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority to issue all permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States other than those specified in paragraph (a) of this section.

2. By revising paragraphs (g) and (h) and by adding paragraphs (i) and (j) in 1.05-1 to read as follows:

§ 1.05-1 General.

(g) Except for those matters specified in paragraphs (h), (i), and (j) of this section, the Commandant redelegates to each Coast Guard District Commander,

with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the following:

(1) Anchorage grounds and special anchorage areas.

(2) (Reserved)

(3) The operation of drawbridges.

(h) The Commandant reserves authority to issue any rules and regulations specified in paragraph (g) of this section which are determined to be significant in accordance with the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5).

(i) The Commandant redelegates to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, with the reservation that this authority should not be further redelegated, the authority to issue rules and regulations pertaining to anchorage grounds and special anchorage areas which:

(1) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(2) Have been shown to generate controversy on an issue of importance to a particular locality.

(j) The Commandant redelegates to the Chief, Office of Navigation, U.S. Coast Guard Headquarters, with the reservation that this authority shall not be further redelegated, the authority to issue rules and regulations pertaining to the operation of drawbridges which:

(1) Have been shown to raise substantial issues concerning the reasonable needs of navigation; or

(2) Have been shown to generate controversy on an issue of importance to a particular locality.

PART 114—GENERAL

3. By revising paragraph (d) of § 114.01 to read as follows:

§ 114.01 Purpose.

(d) The Commandant has delegated within the Coast Guard authority for the issuance of drawbridge operation regulations and permits for the construction, reconstruction, or alteration of bridges across navigable waters of the United States. These delegations may be found in §§ 1.05-1 and 1.01-50 of this Chapter.

4. By adding a new paragraph (l) to § 114.05 to read as follows:

§ 114.05 Definitions.

(l) *Chief, Office of Navigation.* The term "Chief, Office of Navigation" means the officer of the Coast Guard designated by the Commandant as the

staff officer in charge of the Office of Navigation, U.S. Coast Guard Headquarters.

5. By revising § 114.25 to read as follows:

§ 114.25 Work constructed without prior authority.

The Commandant or District Commander will approve plans and issue permits authorizing bridges across navigable waters, in cases where the application therefor is submitted after the commencement or completion of the bridges subject to the following rules: Approval will be limited to those cases where the necessary primary authority, State or Federal as the case may be, validly existed, when the work was innocently constructed, and where the work will not unreasonably interfere with navigation. Upon issuance of the permit, applicant will be informed that the law contemplates prior approval and that in the future plans must be submitted in ample time for their consideration by the Commandant or District Commander before construction is begun.

6. By revising paragraph (a) of § 114.30 to read as follows:

§ 114.30 Revocation and relinquishment of permits.

(a) Permits may be revoked by the issuing official for failure on the part of the permittee to comply with any of the conditions therein, or where the structures or other work constitute an unreasonable obstruction to navigation or to operations of the United States in the interests of navigation or flood control.

7. By revising § 114.50 to read as follows:

§ 114.50 Right of Appeal.

A District Commander's decision to deny a bridge permit application or an application for drawbridge operation regulations may be appealed to the Commandant, U.S. Coast Guard. The appeal must be submitted in writing to Commandant (G-N), U.S. Coast Guard Headquarters, Washington, D.C. 20593, within 60 days of the District Commander's decision. The Commandant will take action on the appeal within 90 days of its receipt.

§ 114.60 [Removed]

8. By removing § 114.60.

PART 115—BRIDGE LOCATIONS AND CLEARANCES: ADMINISTRATIVE PROCEDURES

§ 115.10 [Amended]

9. By removing paragraph (c) of § 115.10.

10. By revising paragraphs (a), (b) and (h) of § 115.50 to read as follows:

§ 115.50 Applications for bridge permits.

(a) *Approval of plans.* An application for authorization to construct a bridge across navigable waters of the United States must show the name and address of the applicant; the waterway and location of the bridge; citation to the act of Congress or the State legislature authorizing the bridge; be accompanied by a map of the location and plans of the bridge showing the features which affect navigation; and papers to establish the identity of the applicant.

(b) *Prior authority necessary.* A bridge cannot lawfully be constructed across any navigable waterway of the United States until legislative authority has been obtained and the plans have been approved by the Coast Guard. (See section 9, River and Harbor Act of Mar. 3, 1899 (30 Stat. 1151; 33 U.S.C. 401), General Bridge Act of Mar. 23, 1906 (34 Stat. 84; 33 U.S.C. 491), and General Bridge Act of 1946 (60 Stat. 847; 33 U.S.C. 525 et seq.).)

(h) *Size of sheets.* The drawings will be on letter size sheets. As few sheets will be used as necessary to show clearly what is proposed.

§ 115.50 [Amended]

11. By removing paragraph (1) of § 115.50.

12. By revising § 115.60 to read as follows:

§ 115.60 Procedures for handling applications for bridge construction permits.

The following procedures will be observed in the handling of applications for permits to construct, modify, or replace bridges over navigable waters.

(a) *District Commander's review of application and plans.* When an application is received, the District Commander verifies the authority for construction of the bridge, reviews the application and plans for sufficiency, ascertains the views of local authorities and other interested parties, and ensures that the application complies with relevant environmental laws, regulations, and orders. If the application contains any defects that would prevent issuance of a permit (as, for example, if the proposed bridge provided insufficient clearance), the applicant is notified that the permit cannot be granted and given reasons for this determination. The applicant may then request that the application be considered by the Commandant. If the applicant makes such a request, or if the

application is not found defective, the District Commander notifies the public that it has been received and continues its processing.

(b) *Public hearing.* (1) Public hearings will be held when there are substantial issues concerning the effect that the proposed bridge will have on the reasonable needs of navigation.

(2) Notice of the public hearing will be published in the *Federal Register*. Notice of the hearing is also mailed to State, county, and municipal authorities and all other known interested parties. It is also posted at the post office nearest the site and public places in the vicinity.

(3) Hearings are public and conducted in an informal manner. A member of the District staff presides. The submission of written statements is invited and encouraged. Anyone desiring to do so may speak. Statements, written or oral, are not under oath, and cross-examination is not permitted. No fixed order has been established for the presentation of evidence or argument although proponents are generally heard first, followed by opponents with full opportunity afforded for rebuttals.

(c) *Report and recommendations.* After the close of the comment period and any public hearings, a detailed statement of findings, conclusions, and recommendations based on all available information (including Coast Guard records and experience) is prepared. The following factors may be discussed in this report:

(1) Comparison of proposed bridge with existing bridges over the waterway; attitude of local authorities; summary of objections raised by the public, and District Commander's comments or responses; probable effect on navigation, present and prospective.

(2) Description of the navigation on the waterway past the site of the proposed bridge, the number and type of vessels, the number of vessel trips, and the principal method of handling traffic, whether in single vessels or in tows.

(3) Whether the District Commander approves, or recommends approval of the plans. If they are found objectionable, the reasons for this finding will be stated. If there are objectionable features in the plans which may be corrected, the applicant is given an opportunity to revise them. If approval is given or recommended, all conditions to which the permit should be subject will be stated.

(d) *Action on permit application.*

(1) The District Commander may issue the permit if authorized under § 1.01-50(b) of this Chapter; otherwise, a report with the application shall be submitted to the Commandant for final action.

(2) When an application is approved, the issuing official signs the permit and transmits it to the applicant.

(3) When an application is not approved, the applicant is notified and provided with reasons for the disapproval, and suggestions for modifications that would justify reconsideration, if appropriate.

(4) If an application is disapproved by the District Commander, the applicant may appeal this decision to the Commandant under § 114.50 of this chapter. The Commandant's determination shall constitute final agency action.

(e) *Permit amendments.* Applications for amendments to permits will be processed in the same manner as permit applications. The District Commander may approve amendments to any permits which that official is authorized to issue under § 1.01-50(b) of this chapter. All other amendments must be approved by the Commandant.

PART 116—ALTERATIONS OF OBSTRUCTIVE BRIDGES

§§ 116.15 and 116.20 [Amended]

13. By removing the words "Marine Environment and Systems," and inserting the word "Navigation" in their place in §§ 116.15(a) and (b), and 116.20(a) and (c).

(5 U.S.C. 559, 14 U.S.C. 633, 33 U.S.C. 401, 491, 499, and 525, 49 U.S.C. 1655(g), and 49 CFR 1.46(c) and (q)).

Dated: July 9, 1981.

J. B. Hayes,

Admiral, U.S. Coast Guard Commandant.

[FR Doc. 81-21856 Filed 7-24-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[WH-FRL 1890-8]

State and Local Assistance; Grants for Construction of Wastewater Treatment Works

AGENCY: Environmental Protection Agency.

ACTION: Deviation to rule.

SUMMARY: Under the authority of 40 CFR 30.1000, the Environmental Protection Agency (EPA) has issued a class deviation from three provisions of EPA's construction grant regulations. These provisions restrict award of Step 2, Step 3 and Step 2+3 grants and payment of more than 90 percent of some Step 3 grants until grantees complete certain pretreatment program development and implementation activities.

On January 28, 1981, EPA published in the Federal Register (46 FR 9404) revised final pretreatment program regulations which were to be effective on March 30, 1981. On March 27, 1981, Walter C. Barber, Acting Administrator, deferred the effective date of those regulations. Also, EPA's development of categorical standards for industries is behind schedule. Those standards are necessary for pretreatment program implementation. As a result, municipalities are uncertain about how to develop and implement pretreatment programs. It is inappropriate to restrict grant awards and payments to grantees which are delaying pretreatment program development because of the uncertainty of the fate of the pretreatment program. Consequently, the class deviation suspends the pretreatment program requirements of the construction grants programs.

The deviation is published as part of this document.

DATE: This suspension is effective July 16, 1981.

FOR FURTHER INFORMATION CONTACT: Harold P. Cahill, Jr., (202) 426-8986.

SUPPLEMENTARY INFORMATION:

Date: July 16, 1981.

Subject: Class Deviation from 40 CFR 35.920-3(b)(9), 40 CFR 35.920-3(c)(4), and 40 CFR 35.935-19 of EPA's Construction Grant Regulations.

From: Harvey Pippen, Jr., Director, Grants Administration Division (PM-218).

To: Regional Administrators.

On January 18, 1981, EPA published revised final pretreatment program regulations (40 CFR Part 403) at 46 FR 9404 which were to be effective on March 30, 1981. On March 27, 1981, Walter C. Barber, Acting Administrator, deferred the effective date of those regulations for an indefinite period (46 FR 19936, April 2, 1981). Also, EPA development of categorical standards for industries is behind schedule. Those standards are necessary for pretreatment program implementation. As a result, municipalities are uncertain about how to develop and implement pretreatment programs. However, the construction grant regulations restrict award of Step 2, Step 3 and Step 2+3 grants and delays some payments until grantees carry out several specific pretreatment program development activities.

First, 40 CFR 35.920-3(b)(9) prohibits award of Step 2 grants after December 31, 1979, until grantees submit the information required under 40 CFR 35.907 (d)(1), (d)(2), and (d)(4). On June 20, 1980, I approved a class deviation

which extended the effective date of this provision until December 31, 1980.

Second, 40 CFR 35.920-3(c)(4) prohibits award of Step 3 grants after December 31, 1980, until grantees complete development of their pretreatment programs under 40 CFR 35.907(d). My June 20, 1980, class deviation extended the effective date of this provision until December 31, 1981.

Finally, 40 CFR 35.935-19 restricts payment for Step 3 grants awarded after October 1, 1978, to 90% of the Federal share until the Regional Administrator approves grantees' pretreatment programs. However, for grant assistance awarded before December 31, 1980, the Regional Administrator could waive the requirement if the grantee were making significant progress toward the development of a pretreatment program. My June 20, 1980, class deviation gave Regional Administrators the discretion to continue to make payments for grants awarded after December 31, 1980.

Due to the uncertainties of the pretreatment program, I have concluded that I should again extend the effective date of the pretreatment program construction grant provisions—this time for an indefinite period until EPA makes a final decision on pretreatment program requirements. Consequently, I am approving the following class deviations:

§ 35.920-3 [Amended]

1. I am approving a deviation suspending the effective date of 40 CFR 35.920-3(b)(9) until further notice.

§ 35.920-3 [Amended]

2. I am approving a deviation suspending the effective date of 40 CFR 35.920(c)(4) until further notice.

§ 35.935-19 [Amended]

3. I am approving a deviation suspending the grant payment condition of 40 CFR 35.935-19 until further notice. Regional Administrators should not withhold payments to grantees which received Step 3 or Step 2+3 grant assistance before the effective date of this deviation.

Dated: July 15, 1981.

Edward Hanley,

Acting Assistant Administrator for Administration (PM-208).

Dated: July 16, 1981.

James N. Smith,

Assistant Administrator for Water (WH-556).

[FR Doc. 81-21904 Filed 7-24-81; 8:45 am]

BILLING CODE 5560-29-M