

V. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule for purposes of 5 U.S.C. 804(3).

Dated: October 23, 1998.

Carol M. Browner,

Administrator.

[FR Doc. 98-29019 Filed 10-28-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6179-1]

Final Guidelines for Implementation of the Drinking Water Infrastructure Grants Tribal Set-Aside Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of final guidelines.

SUMMARY: The Environmental Protection Agency (EPA) has released Final Guidelines for the Drinking Water Infrastructure Grants Tribal Set-Aside (DWIG TSA) program (EPA 816-R-98-020). The Tribal Set-Aside Program was established as a result of the reauthorized Safe Drinking Water Act (SDWA), signed by President Clinton on August 6, 1996. Section 1452 of the SDWA authorizes a Drinking Water State Revolving Loan Fund (DWSRF) similar to a fund for wastewater treatment systems that has been in place under the Clean Water Act for several years. The SDWA also authorizes EPA to set aside up to 1½ percent of the amounts annually appropriated to carry out section 1452 for grants to Indian Tribes and Alaska Native Villages. The SDWA directs EPA to use these funds for infrastructure improvements to public drinking water systems that serve Indian Tribes.

EPA first received federal funds for section 1452 in its FY1997 Appropriation Bill. EPA received \$1.275 billion in FY1997, and \$725 million in FY1998 for the programs authorized by section 1452. Of these amounts, 1½ percent (the maximum allowed by law) has been set aside for the Tribal program—\$19,125,000 in fiscal year 1997 and \$10,875,000 in fiscal year 1998.

These funds and each future year's Tribal Set-Aside Program funds will be allotted, by formula (which is described in the Final Guidelines), among the nine EPA Regional offices with Tribal programs. In consultation with the

Indian Health Service (IHS) and the Tribes in their Region, each EPA Region will identify potential projects, prioritize those projects, and select the ones to receive funding from its share of the Set-Aside Program allotment. The EPA Regions will then award and administer the funds. Each Regional office will give the Tribes in their Region an opportunity to review and comment on the Regional program as they develop it, and once developed, will consult with the IHS and the Tribes in their Region regarding annual project selections.

The Final Guidelines explain how the Tribal Set-Aside Program will be implemented; outline who is eligible to receive funds from the program; and list the types of projects that are eligible and ineligible to be funded with DWIG TSA monies. Within the conditions and allowances described in the Final Guidelines, the EPA Regions will have flexibility in designing a program that works best for the Tribes in their Region.

Copies of the Final Guidelines have been sent to every Indian Tribe currently recognized and eligible for funding and services from the Bureau of Indian Affairs.

DATES: The Guidelines become effective on October 29, 1998.

ADDRESSES: Copies of the Final Guidelines are available through the Safe Drinking Water Act Hotline, telephone (800) 426-4791, and from the Office of Water Resource Center (RC4100), U.S. EPA, 401 M Street, SW, Washington, DC 20460. A single copy of the document can be picked up at the Resource Center in Room 2615 of the Waterside Mall at the address above. The Center is open from 8:30 a.m. until 5 p.m. Monday through Friday. The Guidelines may also be obtained from the EPA Web Site at the URL address "<http://www.epa.gov/safewater/tribes.html>".

FOR FURTHER INFORMATION CONTACT: The Safe Drinking Water Hotline, telephone (800) 426-4791. For technical inquiries, contact Ray Enyeart, Drinking Water Implementation and Assistance Division, Office of Ground Water and Drinking Water, U.S. EPA, (4606), 401 M Street SW, Washington, DC 20460, telephone (202) 260-5551.

Authority: Pub. L. 104-182.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6181-7]

Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity to Comment Regarding the California Department of Transportation and the Granite Construction Company

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment regarding the California Department of Transportation and the Granite Construction Company (together the "Respondents").

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act (the "Act"). EPA is also providing notice of opportunity to comment on the proposed assessment.

Under 309(g) of the Act, 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1319(g)(4)(a).

Class II proceedings under section 309(g) are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("Part 22"), 40 CFR Part 22. The procedures through which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in Part 22. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after publication of this notice.

On September 30, 1998, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1391, the following Complaint:

In the Matter of the State of California, Department of Transportation, District 7 and the Granite Construction Company, Watsonville, California, Docket No. CWA-309-IX-FY98-23.