

on the UST provisions of the Energy Policy Act for their State UST programs.

To implement the law, OUST, EPA regions, and States are working closely with tribes, other Federal agencies, tank owners and operators, UST equipment industry, and other stakeholders to bring about the mandated changes affecting UST programs. Over the next several months, EPA expects to issue draft grant guidelines regarding the inspection provision and state compliance report on government USTs provision.

Once the guidelines are issued and become effective, EPA regions will incorporate the guidelines in grant agreements between EPA and States. States receiving funds from EPA for their UST programs must comply with the UST provisions of the Energy Policy Act and will be subject to action by EPA under 40 CFR 31.43 if they fail to comply with the guidelines.

The Agency is providing the public with an opportunity to comment on the two draft grant guidelines when they become available by following the process specified below. As provided in 5 U.S.C. 553(a)(2), the grant guidelines are exempt from the notice and comment rule-making procedures. Consequently, EPA will not establish a public docket for comments and may not issue separate responses to comments when we issue the final guidelines.

EPA encourages interested stakeholders to regularly check EPA's Web site at: [http://www.epa.gov/oust/fedlaws/epact\\_05.htm#Drafts](http://www.epa.gov/oust/fedlaws/epact_05.htm#Drafts) where we will post the draft guidelines as they become available over the next several months. You may also send an e-mail to [OUST\\_Energy\\_Policy\\_Act\\_Email\\_List@epa.gov](mailto:OUST_Energy_Policy_Act_Email_List@epa.gov) requesting that we notify you when the drafts are posted on EPA's Web site. If you previously e-mailed a request to be included on this list, there is no need for you to do so again. As each draft guideline is posted on EPA's Web site, we will accept comments on each for 30 days. EPA's Web site will provide information about document availability and specific public comment periods. You may submit comments by e-mail, facsimile, or mail as described on EPA's Web site. After the draft guidelines are posted on EPA's Web site, paper copies will be available from NSCEP, EPA's publications distribution warehouse upon request. You may request copies from NSCEP by calling 1-800-490-9198; writing to U.S. EPA/NSCEP, Box 42419, Cincinnati, OH 45242-0419; or faxing your request to NSCEP at 513-489-8695.

After considering public comments, EPA will issue final grant guidelines

which EPA regions will incorporate into states' grant agreements.

Dated: November 15, 2006.

**Susan Parker Bodine,**

*Assistant Administrator, Office of Solid Waste and Emergency Response.*

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## ENVIRONMENTAL PROTECTION AGENCY

**[Docket# EPA-R04-SFUND-2006-0865; FRL-8243-4]**

### Constitution Road Drum Site; Atlanta, Dekalb County, GA; Notice of Duplicated Settlement

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Duplicated Settlement—FRL-8237-5.

**SUMMARY:** On November 1, 2006 a duplication of the Constitution Road Drum Site settlement was published in the **Federal Register** under Docket # EPA-R04-SFUND-2006-0865' FRL-8237-5. EPA will not be accepting comments on this document. The correct listing is under EPA-R04-SFUND-2006-0865; FRL-8237-1. EPA will be accepting comments under the correct listing until December 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Paula V. Batchelor at 404/562-8887.

Dated: November 2, 2006.

**Greg Armstrong,**

*Acting Chief, Superfund Enforcement & Information Management Branch, Superfund Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

**[FRL-8244-4]**

### Notice of Effective Date of the "Agreed Order on Consent and Covenant Not To Sue" and Availability of the "Administrative Record" for the Many Diversified Interests, Inc. Superfund Site Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; Effective Date of the "Agreed Order on Consent and Covenant Not to Sue," and availability of the "Administrative Record."

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive

Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of the effective date of the "Agreed Order on Consent and Covenant Not to Sue" (Final Agreed Order) with the purchaser (Clinton Gregg Investments, Ltd) of the property and the availability of the "Administrative Record" for Operable Unit 1 (On-Site Soils and Ground Water) of the Many Diversified Interests, Inc. (MDI) Superfund Site located in Houston, Texas. Under the Final Agreed Order, the purchaser agrees to perform cleanup work on an approximately 36-acre tract it is purchasing known as Operable Unit 1 of the MDI Superfund Site. The Final Agreed Order includes a covenant not to sue pursuant to Sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6973. The purchaser also agrees to implement institutional controls.

The Agency published a **Federal Register** Notice on June 1, 2006, which solicited public review and comment on the proposed Agreed Order. The public comment period ended on July 3, 2006. At the request of the public, the Agency held a public meeting on August 7, 2006, in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d). The Agency considered all comments received in its decision to finalize and approve the Agreed Order and has prepared a "Responsiveness Summary" which is included in the Administrative Record for the Site.

**DATES:** The effective date of the Final Agreed Order is September 29, 2006.

**ADDRESSES:** The Administrative Record, which includes the Final Agreed Order and the Responsiveness Summary, and additional background information relating to the Final Agreed Order are available for public inspection at the Agency's office at 1445 Ross Avenue, Dallas, Texas 75202-2733, and the Site's information repository located at the Fifth Ward Multi-Service Center, 4014 Market Street, Houston TX 77020. A copy of the Final Agreed Order and Responsiveness Summary may be obtained from Rafael Casanova, 6SF-AP, U.S. Environmental Protection Agency, 1445 Ross Avenue, Dallas, Texas 75202-2733, or by calling 214-665-7437, or by electronic mail at [casanova.rafael@epa.gov](mailto:casanova.rafael@epa.gov). Requests for information should reference the MDI Superfund Site, Houston, Texas, and EPA Docket Number 06-12-05, and should be addressed to Rafael Casanova at the address listed above.