

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.*

[FR Doc. E6-19745 Filed 11-20-06; 8:45 am]

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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.*

[FR Doc. E6-19644 Filed 11-20-06; 8:45 am]

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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.

**FOR FURTHER INFORMATION CONTACT:**

Rafael Casanova (Remedial Project Manager) at the address listed above; or Barbara Nann (Attorney), 1445 Ross Avenue, Dallas, Texas 75202-2733, or call 214-665-2157, or e-mail [nann.barbara@epa.gov](mailto:nann.barbara@epa.gov).

Dated: November 9, 2006.

**Lawrence E. Starfield,**

*Acting Regional Administrator, Region 6.*

[FR Doc. E6-19640 Filed 11-20-06; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-8244-5]

**Virginia State Prohibition on Discharges of Vessel Sewage; Receipt of Application and Tentative Determination**

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

**ACTION:** Notice of Tentative Determination.

**SUMMARY:** Notice is hereby given that an application was received from the Commonwealth of Virginia on July 25, 2006, requesting a determination by the Regional Administrator, EPA Region III, pursuant to section 312(f) of Public Law 92-500, as amended by Public Law 95-217 and Public Law 100-4 (the Clean Water Act), that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the navigable waters of the Lynnhaven River and its tributaries, Virginia Beach, Virginia.

**DATES:** Comments and views regarding this application and EPA's tentative determination may be filed on or before December 21, 2006.

**ADDRESSES:** Comments or requests for information or copies of the State's application should be addressed to Edward Ambrogio, EPA Region III, Office of State and Watershed Partnerships, 1650 Arch Street, Philadelphia, PA 19103.

**FOR FURTHER INFORMATION CONTACT:** Edward Ambrogio, EPA Region III, Office of State and Watershed Partnerships, 1650 Arch Street, Philadelphia, PA 19103. Telephone: (215) 814-2758. Fax: (215) 814-2301. E-mail: [ambrogio.edward@epa.gov](mailto:ambrogio.edward@epa.gov).

**SUPPLEMENTARY INFORMATION:** This application was made by the Virginia Secretary of Natural Resources on behalf of the Virginia Department of Environmental Quality (VDEQ). Upon receipt of an affirmative determination in response to this application, VDEQ

would completely prohibit the discharge of sewage, whether treated or not, from any vessel in the Lynnhaven River in accordance with section 312(f)(3) of the Clean Water Act and 40 CFR 140.4(a).

Section 312(f)(3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such States require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such water to which such prohibition would apply.

The Lynnhaven River is located in the northern part of the city of Virginia Beach, Virginia. It is connected to the Chesapeake Bay through the Lynnhaven Inlet, just east of the Chesapeake Bay Bridge-Tunnel. The Lynnhaven River, including the Eastern Branch, the Western Branch, and Broad Bay/Linkhorn Bay encompasses an area of land and water of approximately 64 square miles with nearly 150 miles of shoreline. The upstream portions of the Lynnhaven River system flow either north to the Chesapeake Bay or south to North Carolina depending on wind and tidal patterns. The Lynnhaven River is oligohaline and subject to the action of tides. The majority of the waters outside the bays are shallow with maintained channel depths of six to 10 feet.

Many people enjoy the Lynnhaven River watershed for a variety of activities, including boating, fishing, crabbing, water skiing, and swimming. The shoreline surrounding the Lynnhaven River includes 4,478 private waterfront homes, public access areas, marinas, boat launch facilities, waterside restaurants, and a State park. Large and small boats, personal watercraft, canoes, kayaks, water skiers, and swimmers enjoy the river for its recreational benefits. There are several waterfront access areas within First Landing State Park for swimming during summer months. The Lynnhaven River was also once a prime oyster harvesting area known throughout the world for the famous Lynnhaven oyster. Oyster habitat restoration projects are presently being implemented in the Lynnhaven River. Lynnhaven River 2007, an advocacy group, in partnership with the city of Virginia Beach, the Chesapeake Bay Foundation, and the U.S. Army

Corps of Engineers initiated an oyster-growing program in the summer of 2004 to assist in repopulating the river with this valuable living resource.

Portions of the Lynnhaven River were listed for bacteriological impairments from fecal coliform and enterococci bacteria in Virginia's 1998 section 303(d) list requiring the development of a total maximum daily load (TMDL). Consequently in 2004, EPA Region III and the Virginia State Water Control Board approved a TMDL for the shellfish harvest use impairments on Lynnhaven, Broad, and Linkhorn Bays prepared by the VDEQ. The establishment of a No Discharge Zone for the Lynnhaven River is one component of the TMDL Implementation Plan.

For the purpose of this application, the proposed Lynnhaven River No Discharge Zone is defined as all contiguous waters south of the Lesner Bridge at Lynnhaven Inlet (Latitude 36°54'27.90" N and Longitude 76°05'30.90" W) and north of the watershed break point defined as the intersection of West Neck Creek at Dam Neck Road (Latitude 36°47'17.60" N and Longitude 76°04'14.62" W).

Information submitted by the Commonwealth of Virginia states that there are six waterfront marinas operating sanitary pump-outs in the Lynnhaven River. Each of these facilities also provides dump stations, restrooms, and informational signage. Details of these facilities' location, availability and hours of operation are as follows:

Long Bay Pointe marina is located on the north side of Long Creek, west of the West Great Neck Road Bridge over the creek (2101 West Great Neck Rd., Virginia Beach). The marina currently operates a Chesapeake Bay Marine pump-out system on the fuel dock accessible to all boaters. There is a sign on the pump station. The marina also has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 10 a.m.–6 p.m., 7 days a week, 12 months per year. Lynnhaven Dry Storage marina is located on the north side of Long Creek between the West Great Neck Road and North Great Neck Road bridges over the creek (2150 West Great Neck Rd., Virginia Beach). The marina currently operates a SaniSailor pump-out system on the fuel dock accessible to all boaters. A sign for the pump-out is posted on the side of the building adjacent to the dock. The marina has a dump station adjacent to the dock for portable toilets. The marina's sewage disposal hours of operation are 8 a.m.–5 p.m., 7 days a week, 12 months per