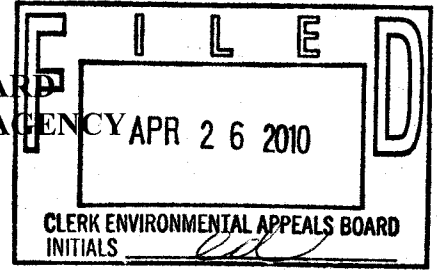


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Tri-County Public Airport Site,)
Raytheon Aircraft Company, Petitioner)
)
_____)

CERCLA § 106(b) Petition No. 06-01

ORDER DISMISSING PETITION FOR REIMBURSEMENT WITH PREJUDICE

On January 9, 2006, Raytheon Aircraft Company (“RAC”) filed a petition with the Environmental Appeals Board (“Board”) pursuant to CERCLA § 106(b)(2), seeking reimbursement of costs incurred in complying with the terms of a unilateral administrative order issued by U.S. EPA Region 7 (“Region”) on September 30, 2004. By order dated February 1, 2007, this Board stayed the proceeding in this matter, pending the outcome of parallel proceedings in federal court. Order Staying Proceedings (Feb. 1, 2007).

By submission filed on April 22, 2010, RAC indicates that it now seeks dismissal of its petition for reimbursement. Stipulation of Dismissal With Prejudice (“Stipulation”) (Apr. 22, 2010). The Stipulation states that RAC “with the agreement of the counsel for EPA, hereby dismisses its Petition, with prejudice, each party to bear its own costs.” *Id.* at 1. Under these circumstances, RAC’s Petition is hereby dismissed with prejudice.

So ordered.¹

Dated: *April 26, 2010*

ENVIRONMENTAL APPEALS BOARD

By: *Charles J. Sheehan*
Charles J. Sheehan
Environmental Appeals Judge

¹ The three-member panel deciding this matter is comprised of Environmental Appeals Judges Edward E. Reich, Charles J. Sheehan, and Kathie A. Stein.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Dismissing Petition for Reimbursement With Prejudice in the matter of Tri-County Public Airport Site, Raytheon Aircraft Company, CERCLA § 106(b) Petition No. 06-01, were sent to the following persons in the manner indicated:

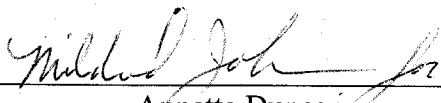
Certified Mail:

Derek T. Teeter
Husch Blackwell Sanders LLC
4801 Main Street, Suite 1000
Kansas City, MO 64112

Pouch Mail:

J. Scott Pemberton
Senior Assistant Regional Counsel
U.S. EPA Region 7
901 North 5th Street
Kansas City, Kansas 66101

Dated: APR 26 2010



Annette Duncan
Secretary