



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIR. APPEALS BOARD

EXPRESS MAIL OVERNIGHT DELIVERY

September 16, 2008

Eurika Durr
Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

RE: In the Matter of Tri-County Public Airport Site
The Raytheon Aircraft Company, Petitioner
Petition Number: 106(b) 06-01

Dear Ms. Durr:

Enclosed please find one original for filing of a U.S. Environmental Protection Agency's Status Report. This report was also electronically filed. A copy of this letter and its attachments has been sent to counsel for the Petitioner.

Thank you for your assistance in this matter.

Sincerely,

J. Scott Pemberton
Senior Assistant Regional Counsel

Enclosures

cc: Beverlee J. Roper, Esquire
Daryl G. Ward, Esquire
Blackwell Sanders Peper Martin, LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112



Raytheon's claims for cost recovery and contribution; and 2) judgment be entered in favor of the United States on the United States' claim against Raytheon for cost recovery, with the exception of certain costs incurred by the Agency for Toxic Substances and Disease Registry ("ATSDR"). After submitting the cost claim of the United States pursuant to the District Court's Memorandum and Order, minus the ATSDR costs, the District Court issued an Order on June 26, 2008 (see Exhibit B) entering judgment in favor of the United States on its claim against Raytheon for cost recovery in the amount of \$3,195,632.98.

On August 25, 2008 Raytheon filed a Notice of Appeal with the District Court, appealing the entire judgment entered by the District Court to the United States Court of Appeals for the Tenth Circuit. Federal court litigation continues.

Dated this 16th day of September, 2008.

Respectively submitted,

By:


J. Scott Pemberton
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 7
901 North 5th Street
Kansas City, Kansas 66101
(913) 551-7276 FAX (913) 551-7925

CERTIFICATE OF SERVICE

I, Deanna Smith, hereby certify that on the 10th day of September, 2008, the original of the foregoing U.S. Environmental Protection Agency Status Report was sent via Express Mail Overnight Service to Eurika Durr, Clerk of the Board, Environmental Appeals Board, U.S. Environmental Protection Agency, 1341 G Street, N.W., Suite 600, Washington, D.C. 20005, and that a true and correct copy was sent regular mail to the following counsel for

Petitioner:

Beverlee J. Roper, Esquire
Daryl G. Ward, Esquire
Blackwell Sanders Peper Martin, LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112

A handwritten signature in cursive script that reads "Deanna Smith". The signature is written in dark ink and is positioned above a horizontal line.