

Bernstein Salvage Superfund Site, located in Oskaloosa, Iowa, and is made and entered into by EPA and Virginia Bernstein and the Virginia Bernstein Revocable Living Trust (Settling Parties).

In response to the release of hazardous substances at or from the Site, EPA undertook response actions at the Site pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. In performing these response actions, EPA incurred response costs at or in connection with the Site.

Pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a), the Settling Parties are responsible parties and are liable for response costs incurred or to be incurred at or in connection with the Site. This Agreement requires the Settling Parties to pay to the Hazardous Substance Superfund the principal sum of \$100,000 in reimbursement of Past Response Costs, plus an additional sum for interest and will resolve the Settling Parties' civil liability for these costs. The proposed agreement also includes a covenant not to sue the Settling Parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a).

Dated: September 29, 2004.

**James B. Gulliford,**

*Regional Administrator, United States Environmental Protection Agency, Region VII.*  
[FR Doc. 04-23265 Filed 10-18-04; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7828-6]

### Notice of Proposed Agreement for Recovery of Past Response Costs Under the Comprehensive, Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as Amended, 42 U.S.C. 9622(h)(1), Helena Chemical Company Superfund Site, Hayti, MO, Docket No. CERCLA-07-2004-0312

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed agreement for recovery of past response costs, Helena Chemical Company Superfund Site, Hayti, Missouri.

**SUMMARY:** Notice is hereby given that a proposed agreement regarding the Helena Chemical Company Superfund Site located in Hayti, Missouri, was signed by the United States Environmental Protection Agency (EPA) on September 3, 2004.

**DATES:** EPA will receive, for a period of thirty (30) days from the date of this publication, written comments relating to the proposed agreement.

**ADDRESSES:** Comments should be addressed to James D. Stevens, Senior Assistant Regional Counsel, United States Environmental Protection Agency, Region VII, 901 N. 5th Street, Kansas City, Kansas 66101 and should refer to: In the Matter of Helena Chemical Company Superfund Site, Hayti, Missouri, Docket No. CERCLA-07-2004-0312.

The proposed agreement may be examined or obtained in person or by mail from James D. Stevens, United States Environmental Protection Agency, Region VII, 901 N. 5th Street, Kansas City, Kansas 66101, (913) 551-7322.

**SUPPLEMENTARY INFORMATION:** This proposed Agreement concerns the Helena Chemical Company Superfund Site, located in Hayti, Missouri, and is made and entered into by EPA and BP Products North America, Inc. and Helena Chemical Company (Settling Parties). This Site consists of an approximately 2.6 acre lot, and is located about one-eighth mile east of the City of Hayti in Pemiscot County, Missouri.

In response to the release of hazardous substances including toxaphene, arsenic and dieldrin at or from the Site, EPA undertook response actions at the Site pursuant to Section 104 of CERCLA, 42 U.S.C. 9604. In performing these response actions, EPA incurred response costs at or in connection with the Site. In addition,

EPA provided oversight of response actions undertaken by the Settling Parties.

Pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a), the Settling Parties are responsible parties and are jointly and severally liable for response costs incurred at or in connection with the Site. The Regional Administrator EPA, Region VII, or his designee, has determined that the total past and projected response costs of the United States at or in connection with the Site will not exceed \$500,000, excluding interest.

This Agreement requires the Settling Parties to pay to the EPA Hazardous Substance Superfund the principal sum of \$151,072.65 in reimbursement of Past Response Costs, and will resolve the Settling Parties' alleged civil liability for these costs. The proposed Agreement also includes a covenant not to sue the Settling Parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a).

Dated: September 16, 2004.

**James B. Gulliford,**

*Regional Administrator, United States Environmental Protection Agency, Region VII.*  
[FR Doc. 04-23264 Filed 10-18-04; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### Sunshine Act Meeting; Deletion of Agenda Item From October 14, 2004, Open Meeting

October 14, 2004.

The following items have been deleted from the list of Agenda items scheduled for consideration at the October 14, 2004, open meeting and previously listed in the Commission's Notice of October 7, 2004.

Item No.	Bureau	Subject
5 .....	Wireline Competition .....	<i>Title:</i> The Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996 (CC Docket No. 96-128). <i>Summary:</i> The Commission will consider an Order on Reconsideration concerning its payphone compensation rules.
6 .....	Wireline Competition .....	<i>Title:</i> Petition of Mid-Rivers Telephone Cooperative, Inc. for Order Declaring it to be an Incumbent Local Exchange Carrier in Terry, Montana Pursuant to Section 251(h)(2) (WC Docket No. 02-78). <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking concerning section 251 (h)(2) of the Communications Act of 1934, as amended.