

M/A-COM, Inc.; Sermetal, Inc./Sermetech International Incorporated/Teleflex Incorporated; Solid State Scientific, Inc./American Financial Group, Inc.; Xynatech Inc., (NM Corp)/Xynatech Inc., (PA Corp)/National Metalcrafters (PA Corp)/Xynatech Manufacturing (PA Corp).

The twenty-six (26) settling parties collectively have agreed to pay \$996,210.00 to the Hazardous Substances Trust Fund subject to the contingency that EPA may elect not to complete the settlement if comments received from the public during this comment period disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Monies collected from the *de minimis* parties will be applied towards past and future response costs incurred by EPA or PRPs performing work at or in connection with the Site. The settlement includes a premium payment equal to either 125% or 225% of the estimated future response costs incurred in connection with the Site, to be assessed as follows: 125% assessed for those parties that have not received a prior *de minimis* settlement offer from EPA; and 225% for those parties that received a prior settlement offer from EPA but declined to participate in a prior settlement. The additional premium assessed for those parties that received a prior settlement offer from EPA but declined to participate in a prior settlement, was intended to mitigate any financial gain the parties might have obtained by not participating in the first settlement. The settlement also includes a reservation of rights by EPA, pursuant to which EPA reserves its rights to seek recovery from the settling *de minimis* parties of response costs incurred by EPA in connection with the Site to the extent such costs exceed \$31.2 million.

EPA is entering into this agreement under the authority of section 122(g) of CERCLA, 42 U.S.C. 9622(g). Section 122(g) authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund Sites without incurring substantial transaction costs. Under this authority, EPA proposes to settle with potentially responsible parties in connection with the Malvern TCE Superfund Site, each of whom is responsible for .75 percent or less of the volume of hazardous substance sent to the Site. As part of this *de minimis* settlement, EPA will grant the twenty-five settling *de minimis* parties a covenant not to sue or take administrative action against any of the twenty-five settling PRPs for reimbursement of response costs or injunctive relief pursuant to sections

106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, or for injunctive relief pursuant to section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. 6973, with regard to the Site. EPA initially issued this settlement offer to the *de minimis* parties on August 18, 2003. This offer was subsequently revised and reissued on October 20, 2003.

The Environmental Protection Agency will receive written comments relating to this settlement for thirty (30) days from the date of publication of this notice. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. Commenters may request an opportunity for a public meeting in the affected area in accordance with section 7003(d) of RCRA, 42 U.S.C. 6973(d). A copy of the proposed Administrative Order on Consent can be obtained from Joan A. Johnson, U.S. Environmental Protection Agency, Region III, Office of Regional Counsel, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, or by contacting Joan A. Johnson at (215) 814-2619.

Dated: July 19, 2004.

**Richard J. Kampf,**

*Acting Regional Administrator, Region III.*

[FR Doc. 04-16945 Filed 7-23-04; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[CG Docket 03-123; DA 04-2062]

### Petition for Declaratory Ruling Filed Regarding Provision of Video Relay Service (VRS) Video Mail

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission addresses a *Petition for Declaratory Ruling* filed on March 31, 2004, by Hands On Video Relay Service, Inc. (HOVRS), requesting that the Commission declare that the provision of Video VRS Mail to deaf and hard of hearing persons is eligible for compensation from the Interstate TRS Fund.

**DATES:** Comments are due on or before August 15, 2004. Reply comments are due on or before August 30, 2004.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Cheryl King, (202) 418-2284 (voice), (202) 418-0416 (TTY), or e-mail [cheryl.king@fcc.gov](mailto:cheryl.king@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Public Notice*, DA 04-2062, released July 9, 2004. Interested parties may file comments in this proceeding on or before August 15, 2004 and reply comments may be filed on or before August 30, 2004. When filing comments, please reference CG Docket No. 03-123. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by electronic media, by commercial overnight courier, or by first-class or overnight U.S. Postal Services mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings or electronic media for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial and electronic media sent by overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal

Communications Commission, 445 12th Street, SW., Room TW-B204 Washington, DC 20554.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted, along with three paper copies, to: Dana Jackson, Consumer & Governmental Affairs Bureau, Disability Rights Office, 445 12th Street, SW., Room 6C-410, Washington DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Word 97 or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case, CG Docket No. 03-123, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy—Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's duplicating contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Pursuant to § 1.1206 of the Commission's rules, 47 CFR 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are subject to disclosure.

Copies of any subsequently filed documents in this matter will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. The complete text of this *Public Notice* may be purchased from the Commission's duplicating contractor, BCPI, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or via e-mail at <http://www.bcpweb.com>.

To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). This *Public Notice* can also be downloaded in Word and Portable Document Format at <http://www.fcc.gov/cgb.dro>.

*Synopsis:* As background, TRS, as mandated by Title IV of the Americans with Disabilities Act of 1990, makes the

telephone system accessible to individuals with hearing or speech disabilities. See 47 U.S.C. 225. This is accomplished through TRS facilities that are staffed by specially trained CAs using special technology. The CA relays conversations between persons using various types of assistive communication devices and persons who do not require such assistive devices. VRS—Video Relay Service—is "a telecommunications relay service that allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users with video equipment. The video link allows the [communications assistant] to view and interpret the party's signed conversation and relay the conversation back and forth with a voice caller." 47 CFR 64.601(17). According to HOVRS, Video VRS Mail is a means by which hearing persons can have a VRS communications assistant send a message in video format (American Sign Language) to a deaf or hard of hearing VRS user who is not available to answer the call, so that the VRS user can retrieve the video message at a later time.

Federal Communications Commission.

**P. June Taylor,**

*Chief of Staff, Consumer & Governmental Affairs Bureau.*

[FR Doc. 04-16974 Filed 7-23-04; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that, at 3:30 p.m. on Monday, July 19, 2004, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director Thomas J. Curry, seconded by Vice Chairman John M. Reich, concurred in by Director James E. Gilleran (Director, Office of Thrift Supervision), and Chairman Donald E. Powell, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice of the meeting earlier than July 13, 2004, was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and

that the matters could be considered in a closed meeting by authority of subsection (c)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: July 20, 2004.

Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. E4-1642 Filed 7-23-04; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984.

Interested parties can review or obtain copy of the agreement at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 201159.

*Title:* Memorandum of Settlement of Local Conditions in the Port of New York and New Jersey.

*Parties:* New York Shipping Association, Inc. and the International Longshoremen's Association.

*Filing Parties:* Andre Mazzola; Gleason & Mathews, P.C.; 26 Broadway, 17 Floor; New York, New York 10004; and William M. Spelman; Lambos & Junge; 29 Broadway, 9th Floor; New York, New York 10006.

*Synopsis:* The agreement establishes local conditions for the Port of New York-New Jersey under the ILA Master Contract.

Dated: July 20, 2004.

By Order of the Federal Maritime Commission.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 04-16884 Filed 7-23-04; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part