

farm worker organizations; pesticide user, grower and commodity groups; federal and state; local; tribal governments; academia; public health organizations; and the general public.

#### List of Subjects

Environmental protection, Agriculture, Agricultural workers, Chemicals, Foods, Pesticides, Pests, Registration, Tolerance Reassessment, Fees, Public Health.

Dated: May 5, 2004.

**James Jones,**

*Director, Office of Pesticide Programs.*

[FR Doc. 04-10876 Filed 5-12-04; 8:45 am]

**BILLING CODE 6560-50-S**

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-7660-4]

#### Notice of Administrative Order on Consent for Past Response Costs Relating to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, As Amended by the Superfund Amendments and Reauthorization Act

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative cost recovery settlement concerning the Tyler Refrigeration Pit Superfund Site located in Smyrna, Kent County, Delaware (Proposed Settlement). The Proposed Settlement with the Clark Equipment Company, Inc. (Settling Party) has been approved by the Attorney General, or his designee, of the United States Department of Justice pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h). The Proposed Settlement was signed by the Regional Administrator of the United States Environmental Protection Agency (EPA), Region III, on April 15, 2004, pursuant to section 122(h) of CERCLA, 42 U.S.C. 9622(h), and is subject to review by the public pursuant to this notice.

The Proposed Settlement resolves EPA's claim for past response costs under section 107 of CERCLA, 42 U.S.C. 9607, against the Settling Party, and requires the Settling Party to make a payment of \$49,429.00 towards EPA's past response costs. This payment

represents reimbursement of the remainder of costs EPA incurred in overseeing the Settling Party's performance of a Remedial Investigation at the Site as well as a partial reimbursement of other unreimbursed past costs incurred by EPA in connection with the Site as set forth in the EPA Financial Management System as of November 4, 2003.

For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the Proposed Settlement. EPA will consider all comments received and may withdraw or withhold consent to the Proposed Settlement if such comments disclose facts or considerations which indicate the Proposed Settlement is inappropriate, improper, or inadequate. EPA's response to any written comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

**DATES:** Comments must be provided on or before June 14, 2004.

**ADDRESSES:** The Proposed Settlement is available for public inspection at the U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103. A copy of the Proposed Settlement may be obtained from Ms. Suzanne Canning, Legal Program Coordinator (3RC00), U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103; telephone number (215) 814-2476. Comments should reference the "Tyler Refrigeration Pit Superfund Site" and "EPA Docket No. CERCLA-03-2004-0179CR" and should be forwarded to Ms. Canning at the above address.

**FOR FURTHER INFORMATION CONTACT:** Yvette Hamilton-Taylor (3RC43), Senior Assistant Regional Counsel, (215) 814-2636, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

Dated: April 30, 2004.

**Donald S. Welsh,**

*Regional Administrator, Region III.*

[FR Doc. 04-10892 Filed 5-12-04; 8:45 am]

**BILLING CODE 6560-50-P**

#### EXECUTIVE OFFICE OF THE PRESIDENT

#### Office of Administration; Meeting of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

**AGENCY:** Office of Administration, Executive Office of the President.

**ACTION:** Notice of meeting.

**SUMMARY:** The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction ("Commission") will meet in closed session on Wednesday, May 26, 2004 and Thursday, May 27, 2004 in its offices in Arlington, Virginia.

Executive Order 13328 established the Commission for the purpose of assessing whether the Intelligence Community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support the United States Government's efforts to respond to, the development of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century. This meeting will consist of briefings and discussions involving classified matters of national security, including classified briefings from representatives of agencies within the Intelligence Community; Commission discussions based upon the content of classified intelligence documents the Commission has received from agencies within the Intelligence Community; and presentations concerning the United States' intelligence capabilities that are based upon classified information. While the Commission does not concede that it is subject to the requirements of the Federal Advisory Committee Act (FACA), 5 United States Code Appendix 2, it has been determined that the May 26-27 meeting would fall within the scope of exceptions (c)(1) and (c)(9)(B) of the Sunshine Act, 5 United States Code, Sections 552b(c)(1) & (c)(9)(B), and thus could be closed to the public if FACA did apply to the Commission.

**DATES:** Wednesday, May 26, 2004 (10 a.m. to 5 p.m.) and Thursday, May 27, 2004 (9 a.m. to 2 p.m.).

**ADDRESSES:** Members of the public who wish to submit a written statement to the Commission are invited to do so by facsimile at (202) 456-7921. Comments also may be sent to the Commission by e-mail at [comments@wmd.gov](mailto:comments@wmd.gov).

#### FOR FURTHER INFORMATION CONTACT:

Brett C. Gerry, Associate General Counsel, Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, by facsimile, or by telephone at (703) 414-1200.

**Victor E. Bernson, Jr.,**

*Executive Office of the President, Office of Administration, General Counsel.*

[FR Doc. 04-10909 Filed 5-11-04; 2:26 pm]

**BILLING CODE 3115-W4-P**