

April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the state to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen Dioxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: September 28, 2004.

**Kathleen C. Callahan,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 04–22484 Filed 10–5–04; 8:45 am]

BILLING CODE 6560–50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP–2004–0154; FRL–7682–5]

#### Bromoxynil, Diclofop-methyl, Dicofol, Diquat, Etridiazole, et al., Proposed Tolerance Actions; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** EPA issued a proposed rule in the *Federal Register* of August 4, 2004, announcing proposed tolerance actions and providing a 60-day public comment period that ends October 4, 2004. This document extends the comment period from October 4, 2004 to October 18, 2004.

**DATES:** Comments, identified by the docket identification (ID) number OPP–2004–0154, must be received on or before October 18, 2004.

**ADDRESSES:** Follow the detailed instructions as provided under **ADDRESSES** in the *Federal Register* document of August 4, identified by docket ID number OPP–2004–0154.

#### FOR FURTHER INFORMATION CONTACT:

Joseph Nevola, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460–0001; telephone number: (703) 308–8037; e-mail address: [nevola.joseph@epa.gov](mailto:nevola.joseph@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

In the proposed rule of August 4, 2004 (69 FR 47051) (FRL–7368–7), the Agency included a list of those who may be potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### B. How Can I Access Electronic Copies of this Document and Other Related Information?

In addition to using EDOCKET (<http://www.epa.gov/edocket/>), you may access this *Federal Register* document electronically through the EPA Internet under the “**Federal Register**” listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at E-CFR Beta Site Two at <http://www.gpoaccess.gov/ecfr/>.

##### II. What Action is EPA taking?

This document extends the public comment period established in the *Federal Register* proposed rule issued on August 4, 2004 (69 FR 47051). In that document, EPA sought comment on a rule which proposed to revoke, remove, modify, and establish tolerances, and revise tolerance commodity terminologies. Recently, the Agency received a request from the U.S. Department of Commerce on behalf of the People's Republic of China to extend the public comment period for a brief period of time. EPA is hereby extending the public comment period for the proposed rule of August 4, 2004, identified by docket ID number OPP–2004–0154, from October 4, 2004, to October 18, 2004.

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 27, 2004.

**James Jones,**

*Director, Office of Pesticide Programs.*

[FR Doc. 04–22474 Filed 10–1–04; 4:31 pm]

BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY (EPA)

### 48 CFR Parts 1511 and 1552

[OARM Docket No. 2002–0001; FRL–7824–7]

#### Acquisition Regulation: Background Checks for Environmental Protection Agency Contractors Performing Services On-Site

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** This action withdraws a proposed rulemaking to amend the EPA Acquisition Regulation (EPAAR) by adding a clause which would have required contractors (and subcontractors) to perform background checks and make suitability determinations for contractor (and subcontractor) employees performing services on or within Federally-owned or leased space or facilities (68 FR 2988, January 22, 2003). The public comments EPA received objected not only to the proposed clause's broad application, but also to its key substantive provisions. EPA has decided to withdraw this proposed EPAAR clause, and plans instead to incorporate a narrowly tailored background check requirement in the Agency's emergency response contracts' statements of work. Currently, this category of contracts consists of Superfund Technical Assistance and Removal Team (START), Emergency and Rapid Response Services (ERRS), and Response Engineering and Analytical Contract (REAC). In the future this requirement may be included in other types of contracts.

**FOR FURTHER INFORMATION CONTACT:** Paul Schaffer, U.S. EPA, Office of Acquisition Management, Mail Code (3802R), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: (202) 564–4366; fax number (202) 565–2475; e-mail address: [schaffer.paul@epa.gov](mailto:schaffer.paul@epa.gov).

**SUPPLEMENTARY INFORMATION:** *Regulatory Impact:* Because this action withdraws a notice of proposed rulemaking, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or other Executive Orders and statutes that generally apply to rulemakings.

### List of Subjects in 48 CFR Parts 1511 and 1552

Environmental protection,  
Government procurement.

#### The Withdrawal

In consideration of the foregoing, the Notice of Proposed Rulemaking, OARM Docket No. 2002-0001, as published in the **Federal Register** on January 22, 2003 (68 FR 51737), is hereby withdrawn.

Dated: September 30, 2004.

**Judy S. Davis,**

Director, Office of Acquisition Management.  
[FR Doc. 04-22483 Filed 10-5-04; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AJ11

#### Endangered and Threatened Wildlife and Plants; Proposed Designation of Critical Habitat for *Atriplex coronata* var. *notatior* (San Jacinto Valley crownscale)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), herein address the proposed designation of critical habitat for *Atriplex coronata* var. *notatior* (San Jacinto Valley crownscale) pursuant to the Endangered Species Act of 1973, as amended (Act). We identified 15,232 (ac) (6,167 hectares (ha)) of habitat essential for the conservation of *A. coronata* var. *notatior*. In developing this proposal, we evaluated those lands determined to be essential to the conservation of *A. coronata* var. *notatior* to ascertain if any specific areas are appropriate for exclusion from critical habitat pursuant to section 4(b)(2) of the Act. All habitat essential for the conservation of *A. coronata* var. *notatior* is either within our estimate of the areas to be conserved and managed by the approved Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) in Riverside County, California, existing public and quasi-public lands plus additional conserved lands, or within areas where the MSHCP will ensure that future projects will not adversely alter essential hydrological processes. On the basis of our evaluation of the conservation measures afforded *A. coronata* var. *notatior* under the

Western Riverside MSHCP, we have concluded that the benefits of excluding the lands covered by this MSHCP outweigh the benefits of including them as critical habitat. Thus, all areas essential for the conservation of *A. coronata* var. *notatior* within the conservation area of the approved Western Riverside MSHCP have been excluded from the designation of critical habitat for this species pursuant to section 4(b)(2) of the Act. Because all essential habitat for this taxon is within the conservation area of the Western Riverside MSHCP, no lands are being proposed as critical habitat for *A. coronata* var. *notatior*. This exclusion will not result in the extinction of *A. coronata* var. *notatior*. We are specifically seeking comment on the determination to exclude all habitat essential for the conservation of this taxon from designation as critical habitat.

**DATES:** We will accept comments from all interested parties until December 6, 2004. We must receive requests for public hearings, in writing, at the address shown in the **ADDRESSES** section by November 22, 2004.

**ADDRESSES:** Written comments and materials may be submitted to us by one of the following methods:

1. You may submit written comments and information to the Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, California, 92009.
2. You may hand-deliver written comments and information to our Carlsbad Fish and Wildlife Office at the above address, or fax your comments to (760) 431-9618.
3. You may send comments by electronic mail (e-mail) to [FW1CFWO\\_SJVC@fws.gov](mailto:FW1CFWO_SJVC@fws.gov). Please see the Public Comments Solicited section below for file format and other information about electronic filing.

Comments and materials received, as well as supporting documentation used in the preparation of this notice, will be available for public inspection, by appointment, during normal business hours at the Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, CA 92009 (telephone (760) 431-9440).

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Bartel, Field Supervisor, Carlsbad Fish and Wildlife Office, 6010 Hidden Valley Road, Carlsbad, CA 92009 (telephone (760) 431-9440 or FAX (760) 431-9440).

**SUPPLEMENTARY INFORMATION:**

#### Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposal are hereby solicited. We particularly seek public comment on whether we have appropriately identified all areas essential for the conservation of *Atriplex coronata* var. *notatior*, and on the appropriateness of excluding lands within the Western Riverside MSHCP from designation as critical habitat. Because all areas essential for the conservation of the taxon occur within the MSHCP, the result is that no lands will be proposed for designation as critical habitat for *A. coronata* var. *notatior*. If new information indicates that areas excluded from critical habitat should be designated or that there are additional areas essential for the conservation of the taxon, we may designate critical habitat as appropriate (50 CFR 424.12(g)). Comments are also sought concerning:

(1) The reasons any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act, including whether the benefit of designation will outweigh any threats to the species resulting from the designation;

(2) Specific information on the amount and distribution of *Atriplex coronata* var. *notatior* habitat, and what habitat is essential to the conservation of the species and why;

(3) Land use designations and current or planned activities in essential habitat areas and their possible impacts on the subject areas;

(4) Any foreseeable economic, national security, or other potential impacts resulting from the proposal and, in particular, any impacts on small entities; and

(5) Whether our approach to designating critical habitat could be improved or modified in any way to provide for greater public participation and understanding, or to assist us in accommodating public concerns and comments.

If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods (see **ADDRESSES** section). Please submit Internet comments to [FW1CFWO\\_SJVC@fws.gov](mailto:FW1CFWO_SJVC@fws.gov) in ASCII file format and avoid the use of special characters or any form of encryption. Please also include "Attn: