

Security Code (ISPS) requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

**DATES:** Effective April 6, 2004.

Comments and related material must reach the Docket Management Facility on or before July 6, 2004.

**ADDRESSES:** You may submit comments identified by Coast Guard docket number USCG-2004-17350 to the Docket Management Facility at the U.S. Department of Transportation. To avoid duplication, please use only one of the following methods:

(1) Web Site: <http://dms.dot.gov>.

(2) Mail: Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590-0001.

(3) Fax: 202-493-2251.

(4) Delivery: Room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

**FOR FURTHER INFORMATION CONTACT:** For questions on this notice, please contact Lieutenant Commander Martin Walker, Project Manager, Office of Compliance (G-MOC-1), U.S. Coast Guard Headquarters, telephone 202-267-1047. If you have questions on viewing or submitting material to the docket, call Ms. Andrea M. Jenkins, Program Manager, Docket Operations, telephone 202-366-0271.

#### SUPPLEMENTARY INFORMATION:

##### Background and Purpose

On October 22, 2003, we published a final rule entitled "Vessel Security" (68 FR 60483), which was one of six maritime security rules published in the *Federal Register* that date. The vessel security rule, specifically 33 CFR 104.297, requires owners or operators of U.S. flag vessels that are subject to the International Convention for Safety of Life at Sea, 1974, (SOLAS), to obtain an International Ship Security Certificate (ISSC), as described in 46 CFR 2.01-25, by July 1, 2004. The ISSC certifies that the ship has an approved ship security plan and that it complies with the applicable requirements of SOLAS chapter XI-2 and Part A, taking into account Part B, of the International Ship and Port Facility Security Code (ISPS).

In 33 CFR 101.105 of the "Implementation of National Maritime Security Initiatives" final rule, we included a definition of "international voyage" that applies to 33 CFR chapter I, subchapter H, including part 104, Vessel Security. To clarify one aspect of

this security-related definition, we are issuing this notice.

For purposes of vessel security, in interpreting 33 CFR 101.105 and 104.297, the Coast Guard will consider that each voyage of a U.S. vessel originates at a port in the United States, regardless of when the voyage actually began. Such a voyage is considered to continue, until such time as the U.S.-flagged vessel returns to the United States. U.S. vessels operating from a foreign port will be considered to be on an international voyage.

Therefore, any U.S. vessel that otherwise meets the applicable tonnage or capacity requirements in SOLAS for a cargo or passenger vessel that is engaged on an international voyage must meet ISPS requirements and obtain an ISSC, within the prescribed timeline.

#### Comments and Viewing Documents Referenced in This Notice

If you wish to submit comments regarding this notice, please send them to the Docket Management Facility at the address under **ADDRESSES**. All comments received will be posted, without change, to <http://dms.dot.gov> and will include any personal information you have provided. We have an agreement with the Department of Transportation (DOT) to use the Docket Management Facility. Please see DOT's "Privacy Act" paragraph below.

**Submitting comments:** If you submit a comment, please include your name and address, and identify the docket number (USCG-2004-17350). You may submit your comments and material by electronic means, mail, fax, or delivery to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or delivery, submit them in an unbound format, no larger than 8 1/2 by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

**Viewing comments and documents:** To view comments, as well as documents mentioned in this notice as being available in the docket, go to <http://dms.dot.gov> at any time and conduct a simple search using the docket number. You may also visit the Docket Management Facility in room PL-401 on the Plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Privacy Act:** Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the Department of Transportation's Privacy Act Statement in the *Federal Register* published on April 11, 2000 (65 FR 19477), or you may visit <http://dms.dot.gov>.

Dated: March 25, 2004.

**T.H. Gilmour,**

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security and Environmental Protection.

[FR Doc. 04-7792 Filed 4-5-04; 8:45 am]

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## AMERICAN BATTLE MONUMENTS COMMISSION

### 36 CFR Part 400

#### Employee Responsibilities and Conduct; Removal of Superseded Regulations and Addition of Residual Cross-References

**AGENCY:** American Battle Monuments Commission (ABMC).

**ACTION:** Direct final rule.

**SUMMARY:** The American Battle Monuments Commission is repealing its superseded old agency employee responsibilities and conduct regulations, which have been replaced by the executive branch-wide Standards of Ethical Conduct and financial disclosure regulations issued by the Office of Government Ethics (OGE). In their place, the ABMC is adding a section of residual cross-references to those new provisions as well as to certain executive branch-wide conduct rules promulgated by the Office of Personnel Management (OPM).

**DATES:** This rule is effective May 6, 2004 without further action, unless adverse comment is received by May 5, 2004. If adverse comment is received, ABMC will publish a timely withdrawal of the rule in the *Federal Register*.

**ADDRESSES:** You may submit comments by any of the following methods: Federal Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.

Agency Web site: [www.abmc.gov](http://www.abmc.gov). Follow the instructions for submitting comments on the ABMC Web site. E-mail: [gloukhofft@abmc.gov](mailto:gloukhofft@abmc.gov).

**FOR FURTHER INFORMATION CONTACT:** Mr. Theodore Gloukhoff, Designated Agency Ethics Official, American Battle

Monuments Commission, Suite 500, Courthouse Plaza II, 2300 Clarendon Boulevard, Arlington, VA 22201; telephone: (703) 696-6908; FAX: (703) 696-6666.

**SUPPLEMENTARY INFORMATION:** In 1992, OGE issued a final rule setting forth uniform Standards of Ethical Conduct and an interim final rule on financial disclosure for executive branch departments and agencies of the Federal Government and their employees. Those two executive branch-wide regulations, as corrected and amended, are codified at 5 CFR parts 2634 and 2635. Together those regulations have superseded the old ABMC regulations on employee responsibilities and conduct, which were codified at 36 CFR part 400 (and were based on prior OPM standards). Accordingly, the ABMC is removing its superseded regulations and adding in place thereof a new section containing residual cross-references to the new provisions at 5 CFR parts 2634 and 2635. In addition, the ABMC is adding to that section a reference to the specific executive branch-wide restrictions on gambling, safeguarding the examination process and conduct prejudicial to the Government which are set forth in 5 CFR part 735, as issued by OPM in 1992.

#### List of Subjects in 36 CFR Part 400

Conflict of interests, Government employees.

■ For the reasons set forth in the preamble, American Battle Monuments Commission is revising 36 CFR part 400 to read as follows:

#### PART 400—EMPLOYEE RESPONSIBILITIES AND CONDUCT

**Authority:** 5 U.S.C. 7301; 36 U.S.C. 2103.

##### § 400.1 Cross-references to employees' ethical conduct standards, financial disclosure regulations and other conduct rules.

Employees of the American Battle Monuments Commission are subject to the executive branch-wide standards of ethical conduct and financial disclosure regulations at 5 CFR parts 2634 and 2635 as well as the executive branch-wide employee responsibilities and conduct regulations at 5 CFR part 735.

Dated: March 30, 2004.

**Theodore Gloukhoff,**

Director, Personnel and Administration.

[FR Doc. 04-7675 Filed 4-5-04; 8:45 am]

BILLING CODE 6120-01-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[R04-OAR-2003-FL-0001-200414(a); FRL-7643-3]

#### Approval and Promulgation of Implementation Plans: Florida Broward County Aviation Department Variance

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving revisions to State Implementation Plan (SIP) submitted by the State of Florida for the purpose of a department order granting a variance from Rule 62-252.400 to the Broward County Aviation Department. EPA believes that this proposed revision to the SIP is approvable based on the June 23, 1993, EPA policy memorandum entitled, *Impact of the Recent Onboard Decision on Stage II Requirements in Moderate Nonattainment Areas* which indicates that a Stage II program is not a mandatory requirement for areas classified "moderate" or below, upon EPA's promulgation for On-board Refueling Vapor Recovery systems.

**DATES:** This direct final rule is effective June 7, 2004, without further notice, unless EPA receives adverse comment by May 6, 2004. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Comments may be submitted by mail to: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in sections III.B.1. through 3. of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960. The telephone number is (404) 562-9043. Mr. Lakeman can also be reached via electronic mail at [lakeman.sean@epa.gov](mailto:lakeman.sean@epa.gov).

**SUPPLEMENTARY INFORMATION:**

### I. Analysis of State's Submittal

Florida Administrative Code (F.A.C.) Rule 62-252.400, requires Stage II vapor recovery systems for all gasoline dispensing facilities located in Broward, Dade, and Palm Beach counties which commence construction or undertake a significant modification after November 15, 1992, prior to dispensing 10,000 gallons or more in any one month. The purpose of the Stage II vapor recovery requirement in Rule 62-252.400, F.A.C. is to recover 95% by weight of vapors displaced from a vehicular fuel tank during refueling.

Under Section 120.542, of the Florida Statutes, the department may grant a variance when the person subject to a rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means, or when application of a rule would create a substantial hardship or violate principles of fairness.

On April 22, 2003, Broward County Aviation Department submitted a petition for variance from the requirements of Rule 62-252.400, F.A.C. for a proposed consolidated rental car facility fueling area at the Ft. Lauderdale-Hollywood International Airport. The petitioner has estimated that 100% of the vehicles to be refueled at the consolidated rental car facility fueling area will be new vehicles equipped with on-board refueling vapor recovery (ORVR) technologies. The design recovery efficiency of installed ORVR systems is 95%. Further, the petitioner estimates the cost of installation of Stage II vapor recovery will be \$250,000 to \$370,000 initially with additional cost for maintaining the system. Given the estimated 100% use of the onboard refueling vapor recovery technologies for all vehicles and the high cost of complying with rule 62-252.400 F.A.C., the department has determined that the health and environmental concerns addressed by the underlying statute will be met without Stage II vapor recovery systems. Therefore the department has issued an Order Granting Variance to Broward County Aviation Department, relieving the county from requirements of Rule 62-252.400, F.A.C. Since this rule has previously been approved into Florida's SIP, the department is requesting approval of this variance as a revision to the SIP. EPA believes that this proposed revision to the SIP is approvable based on the June 23, 1993, EPA policy memorandum entitled, *Impact of the Recent Onboard Decision on Stage II Requirements in Moderate Nonattainment Areas* which indicates that a Stage II program is not a