Authority: 42 U.S.C. 7401, *et seq.*

Subpart G—[AMENDED]

■ 2. Section 63.119 is amended by:
■ a. Revising paragraphs (a)(1) and (2); and
■ b. Adding paragraph (g).

The revisions and addition read as follows:

§ 63.119 Storage vessel provisions-reference control technology.

(a) * * *

(1) For each Group 1 storage vessel (as defined in table 5 of this subpart for existing sources and table 6 of the subpart for new sources) storing a liquid for which the maximum true vapor pressure of the total organic hazardous air pollutants in the liquid is less than 76.6 kilopascals, the owner or operator shall reduce hazardous air pollutants emissions to the atmosphere either by operating and maintaining a fixed roof and internal floating roof, an external floating roof, an external floating roof converted to an internal floating roof, a closed vent system and control device, routing the emissions to a process or a fuel gas system, or vapor balancing in accordance with the requirements in paragraph (b), (c), (d), (e), (f), or (g) of this section, or equivalent as provided in § 63.121 of this subpart.

(2) For each Group 1 storage vessel (as defined in table 5 of this subpart for existing sources and table 6 of this subpart for new sources) storing a liquid for which the maximum true vapor pressure of the total organic hazardous air pollutants in the liquid is greater than or equal to 76.6 kilopascals, the owner or operator shall operate and maintain a closed vent system and control device meeting the requirements specified in paragraph (e) of this section, route the emissions to a process or a fuel gas system as specified in paragraph (f) of this section, vapor balance as specified in paragraph (g) of this section, or equivalent as provided in § 63.121 of this subpart.

* * * * *

(g) The owner or operator who elects to vapor balance to comply with the requirements of paragraphs (a)(1) and (2) of this section shall comply with paragraphs (g)(1) through (7) of this section and the recordkeeping requirements of § 63.123(i).

(1) The vapor balancing system must be designed and operated to route organic HAP vapors displaced from loading of the storage tank to the railcar, tank truck, or barge from which the storage tank is filled.

(2) Tank trucks and railcars must have a current certification in accordance with the U.S. Department of Transportation pressure test requirements of 49 CFR part 180 for tank trucks and 49 CFR 173.31 for railcars. Barges must have a current certification of vapor-tightness through testing in accordance with 40 CFR 63.565.

(3) Hazardous air pollutants must only be unloaded from tank trucks or railcars when vapor collection systems are connected to the storage tank's vapor collection system.

(4) No pressure relief device on the storage tank, or on the railcar or tank truck, shall open during loading or as a result of diurnal temperature changes (breathing losses).

(5) Pressure relief devices must be set to no less than 2.5 psig at all times to prevent breathing losses. Pressure relief devices may be set at values less than 2.5 psig if the owner or operator provides rationale in the notification of compliance status report explaining why the alternative value is sufficient to prevent breathing losses at all times. The owner or operator shall comply with paragraphs (g)(5)(i) through (iii) of this section for each pressure relief valve.

(i) The pressure relief valve shall be monitored quarterly using the method described in § 63.180(b).

(ii) An instrument reading of 500 ppmv or greater defines a leak.

(iii) When a leak is detected, it shall be repaired as soon as practicable, but no later than 5 days after it is detected, and the owner or operator shall comply with the recordkeeping requirements of § 63.181(d)(1) through (4).

(6) Railcars, tank trucks, or barges that deliver HAP to a storage tank must be reloaded or cleaned at a facility that utilizes the control techniques specified in paragraph (g)(6)(i) or (ii) of this section.

(i) The railcar, tank truck, or barge must be connected to a closed-vent system with a control device that reduces inlet emissions of HAP by 95 percent by weight or greater.

(ii) A vapor balancing system designed and operated to collect organic HAP vapor displaced from the tank truck, railcar, or barge during reloading must be used to route the collected HAP vapor to the storage tank from which the liquid being transferred originated.

(7) The owner or operator of the facility where the railcar, tank truck, or barge is reloaded or cleaned must comply with paragraphs (g)(7)(i) through (iii) of this section.

(i) Submit to the owner or operator of the storage tank and to the Administrator a written certification that the reloading or cleaning facility will meet the requirements of this section. The certifying entity may revoke the written certification by sending a written statement to the owner or operator of the storage tank giving at least 90 days notice that the certifying entity is rescinding acceptance of responsibility for compliance with the requirements of this paragraph (g)(7).

(ii) If complying with paragraph (g)(6)(i) of this section, comply with the requirements for a closed vent system and control device specified in §§ 63.119 through 63.123.

(iii) If complying with paragraph (g)(6)(ii) of this section, keep the records specified in § 63.123(i)(3).

■ 3. Section 63.123 is amended by adding paragraph (i) to read as follows:

§ 63.123 Storage vessel provisions—recordkeeping.

* * * * *

(i) An owner or operator who elects to comply with § 63.119(g) shall keep the records specified in paragraphs (i)(1) through (3) of this section.

(1) A record of the U.S. Department of Transportation certification required by § 63.119(g)(2).

(2) A record of the pressure relief vent setting specified in § 63.119(g)(5).

(3) If complying with § 63.119(g)(6)(ii), keep the records specified in paragraphs (i)(3)(i) and (ii) of this section.

(i) A record of the equipment to be used and the procedures to be followed when reloading the railcar, tank truck, or barge and displacing vapors to the storage tank from which the liquid originates.

(ii) A record of each time the vapor balancing system is used to comply with § 63.119(g)(6)(ii).

[FR Doc. 04–27992 Filed 12–22–04; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[RCRA–2004–0009; FRL–7854–2]

Land Disposal Restrictions: Site-Specific Treatment Standard Variance for Selenium Waste for Chemical Waste Management, Chemical Services, LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: On November 19, 2004, the Environmental Protection Agency published a direct final rule to grant a

site-specific treatment standard variance from the Land Disposal Restrictions (LDR) treatment standards to Chemical Waste Management, Chemical Services LLC (CWM) in Model City, New York. EPA also published an accompanying proposed rule to supplant this rule in the event EPA received any adverse comment on the direct final rule. This variance is for a selenium-bearing hazardous waste generated by Guardian Industries Corp. (Guardian), a glass manufacturing company. EPA has received a comment on this treatment variance that it deems adverse, and is withdrawing the direct final rule. Therefore, this site-specific treatment standard variance will not take effect on January 3, 2005 and CWM cannot treat the Guardian waste under a treatment standard variance. EPA will review and address all the comments received on this variance and will decide what action to take in a future **Federal Register** document. We will not institute a second comment period on this action.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Call Center at 800–424–9346 or TDD 800–553–7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703–412–9810 or TDD 703–412–3323. For more detailed information on specific aspects of this rulemaking, contact Juan Parra at (703) 308–0478 or *parra.juan@epa.gov,* Office of Solid Waste (MC 5302 W), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: On November 19, 2004, EPA published a direct final rule (69 FR 67647) and a notice of proposed rulemaking (69 FR 67695) promulgating and proposing, respectively, amendments to grant a site-specific treatment standard variance from the Land Disposal Restrictions (LDR) treatment standards for a selenium-bearing hazardous waste to Chemical Waste Management, Chemical Services LLC. EPA indicated that it was promulgating this site-specific treatment variance as a direct final rule because it believed this action to be non-controversial. However, the Agency further stated that if it received any adverse comments by December 20, 2004 on the direct final rule, it would publish a timely withdrawal of the direct final rule in the **Federal Register**, and address the adverse comments and determine what action to take in a future **Federal Register** document.

List of Subjects in 40 CFR Part 268

Environmental Protection, Hazardous waste, Reporting and recordkeeping requirements.

Dated: December 16, 2004.

Thomas P. Dunne,

Assistant Administrator, Office of Solid Waste and Emergency Response.

■ Accordingly, the revision to 40 CFR 268.44 published in the **Federal Register** on November 19, 2004 (69 FR 67695), which was to become effective on January 3, 2005, is withdrawn.

[FR Doc. 04–28089 Filed 12–22–04; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[DA 04–3408]

Use of Frequency 156.575 MHz for Port Operations Communications in Puget Sound

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission permits the use of marine VHF channel 71 (156.575 MHz) for the use of intership port operations communications in Puget Sound, the Straits of Juan de Fuca, and their approaches. This was in response to a Coast Guard request to the Commission recommending that VHF marine Channel 71 be authorized for use by the Puget Sound Pilots for intership port operations communications. This action will allow more efficient management of vessel traffic in the area, thereby increasing navigational safety and protecting the marine environment in this busy port.

DATES: Effective January 24, 2005.

FOR FURTHER INFORMATION CONTACT: James Shaffer, *James.Shaffer@FCC.gov,* Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau, (202) 418–0687, or TTY (202) 418–7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order,* DA 04–3408, adopted on October 26, 2004, and released on October 28, 2004. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *www.fcc.gov.* Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418–7426 or TTY (202) 418–7365 or at *bmillin@fcc.gov.*

1. The *Order* amends § 80.373(f) of the Commission's rules to make VHF marine Channel 71 (156.575 MHz) available for intership port operations communications in Puget Sound, the Straits of Juan de Fuca, and the approaches thereto. This amendment will allow the vessel traffic in Puget Sound to be managed more efficiently and will protect the marine environment by preventing vessel collisions and groundings.

2. In 2000, the Commission amended § 0.331 of its rules to delegate authority to the Wireless Telecommunications Bureau (Bureau) to designate, by footnote to the frequency table in § 80.373(f), frequencies available for intership port operations communications in defined port areas. In the *Report and Order,* WT Docket No. 99–332, 15 FCC Rcd 11302 (2000), the Commission indicated that it was authorizing the Bureau to act on requests from the United States Coast Guard (Coast Guard) to make frequencies available for intership communications related to port operations in order to alleviate communications congestion related to such port operations.

3. On March 12, 2004, the Coast Guard submitted a request to the Bureau's Public Safety and Critical Infrastructure Division recommending that VHF marine Channel 71 be authorized for use by the Puget Sound Pilots for intership port operations communications at a normal power of one watt (exceptionally ten watts) in Puget Sound, the Straits of Juan de Fuca, and the approaches thereto Enclosed was a letter from the Puget Sound Pilots asking the Coast Guard to request that the Commission designate VHF marine Channel 71 as a port operations channel in the area under the jurisdiction of the Captain of the Port Puget Sound, with its use limited to intership communications with pilots regarding the movement and docking of ships at a normal power of one watt. The Coast Guard also enclosed letters from the North Pacific Marine Radio Council (NPMRC), the Puget Sound Harbor Safety and Security Committee (PSHSSC), the Recreational Boating Association of Washington (RBAW), and the Captain of the Port Puget Sound, all concurring with the request.

4. We agree with the Coast Guard that the proposed designation will enhance