

TABLE 6.—DETECTION AND DETECTION LIMIT VALUES FOR A POSSIBLE COMPOSITE FUEL SPECIFICATION—90TH PERCENTILE ANALYSIS—Continued

Chemical name	Concentration limit (mg/kg at 10,000 Btu/lb)	Maximum detection limit (mg/kg)
Zinc Cyanide	Non-detect	2.3
Zinc phosphide	Non-detect	1.7
alpha-BHC	Non-detect	1.4
beta-BHC	Non-detect	1.4
delta-BHC	Non-detect	1.3
gamma-BHC (Lindane)	Non-detect	1.3
m-Dinitrobenzene	Non-detect	700
p-Toluidine	Non-detect	100
trans-1,3-Dichloropropene	Non-detect	34

Dated: August 15, 1996.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 96-21628 Filed 8-22-96; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No.96-167, RM-8843]

Radio Broadcasting Services; Powhatan, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by David Layne proposing the allotment of Channel 263A at Powhatan, Virginia, as the community's first local aural transmission service. Channel 263A can be allotted to Powhatan in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.2 kilometers (7.6 miles) northwest in order to avoid short-spacing conflicts with the licensed sites of Station WSOJ(FM), Channel 262A, Petersburg, Virginia, and Station WCMS(FM), Channel 263B, Norfolk, Virginia. The coordinates for Channel 263A at Powhatan are 37-38-00 and 77-59-32.

DATES: Comments must be filed on or before September 3, 1996, and reply comments on or before October 15, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: David Layne, P.O. Box 110, Farmville, Virginia 23901 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No.96-167, adopted August 2, 1996, and released August 9, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96-21222 Filed 8-22-96; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-220C; Notice No. 96-16]

RIN 2137-AC86

Receipt of Petition for Rulemaking—Filling of Propane Cylinders

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This notice solicits comments on the merits of a petition for rulemaking filed by the Barbecue Industry Association (BIA). BIA petitioned for a revision to 49 CFR 173.304(d) that would require registration and training of persons who fill propane cylinders, certification of filling equipment operators, and proof of financial responsibility.

DATES: Comments must be received by November 21, 1996.

ADDRESSES: Comments to this ANPRM should be addressed to the Dockets Unit (DHM-30), Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001. Comments may also be faxed to (202) 366-3753. Comments should identify the docket (HM-220C) and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card showing the docket number. The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590-0001. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Eileen E. Martin, (202) 366-8553, Office of Hazardous Materials Standards, RSPA, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: In letters dated January 16, 1996, and March 12, 1996, U.S. Representative Richard Burr (NC) submitted to the Department of Transportation an undated petition for rulemaking from the Barbecue Industry Association (BIA) under the provisions of 49 CFR 106.31. The petition was forwarded to the Research and Special Programs Administration (RSPA), which assigned a petition number, P-1298. In the petition, BIA requested that the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) be amended to require registration and training of persons who fill certain propane cylinders, certification of filling equipment, and proof of financial responsibility. The BIA's overview on filling cylinders with liquefied petroleum gas and proposed regulatory language to § 173.304(d) are published verbatim in this notice. RSPA's publication of the BIA's petition as an Advance Notice of Proposed Rulemaking (ANPRM) does not constitute a decision by RSPA to undertake a rulemaking action on the substance of the petition. This ANPRM is issued solely to obtain comments on the merits of the petition to assist RSPA in making a decision on whether to proceed with a rulemaking. Of particular interest are substantive comments that address the following items: (1) Estimated incremental costs or savings; (2) anticipated safety benefits; (3) estimated burden hours associated with proposals related to information collection; (4) impact on small businesses; and (5) impact on the national environment.

The petition is quoted as follows:

Petition for Rulemaking Proposed by the Barbecue Industry Association

PROPOSED ADDITIONAL LANGUAGE TO 49 CFR SECTION 173.304(d)

(Requested additional language is underlined and italicized)

49 CFR § 173.304(d) Charging of cylinders with liquefied compressed gases.

(4) Verification of content. Containers with a water capacity of 200 pounds or more and for use with a liquefied petroleum gas with a specific gravity a 60°F. of 0.504 or greater may have their contents determined by using a fixed length dip tube gauging device. The length of the dip tube shall be such that when a liquefied petroleum gas with a specific volume of 0.03051 cu. ft./lb. at a temperature of 40°F. is charged into the container it just reaches the bottom of the tube. The weight of this liquid shall not exceed 42 percent of the water capacity of the

container which must be stamped thereon. The length of the dip tube, expressed in inches carried out to one decimal place and prefixed with the letters "DT" shall be stamped on the container and on the exterior of removable type dip tube; for the purpose of this requirement the marked length shall be expressed as the distance measured along the axis of a straight tube from the top of the boss through which the tube is inserted to the proper level of the liquid in the container. The length of each dip tube shall be checked when installed by weighing each container after filling except when installed in groups of substantially identical containers in which case one of the 25 containers shall be weighed. The quantity of liquefied gas in each container must be checked by means of the dip tube after disconnecting from the charging line. The outlet from the dip tube shall be not larger than a No. 54 drill size orifice. A container representative of each day's filling at each charging plant, shall have its contents checked by weighing after disconnecting from the charging line.

(5) *Registration by DOT is required of any individual to fill with Liquefied Petroleum Gas (LPG) any DOT container of less than 200 lbs. water capacity which comes under the jurisdiction of DOT.*

RSPA may issue this registration based on an application and an inspection report of the facility used by the applicant and of the applicant's qualifications performed by an independent inspection agency approved pursuant to § 173.300a, and any other information available to RSPA. Application will be accompanied by:

(1) *Certification of training in accordance with § 172.700 and § 173.304(d);*

(2) *Certification of equipment suitable for use with LPG to provide for accurate weight filling in accordance with § 173.304(c) and National Institute of Technology (NIST) Handbook 44; and*

(3) *Proof of financial responsibility in the minimum amount of one million (\$1,000,000.00) dollars.*

The purpose of the financial responsibility requirement is to create additional incentives to individuals to fill with LPG any DOT containers of less than 200 lbs. water capacity which comes under the jurisdiction of DOT to maintain and operate the filling equipment in a safe manner and to assure that motor carriers maintain an appropriate level of financial responsibility for said equipment.

Initial or renewal applications may be obtained from the Associate Administrator for Hazardous Materials Safety, U.S. Department of Transportation, Washington, D.C. 20590-0001.

Overview of the Filling of LP Gas 20 Pound Cylinders

One of the most popular activities in America is outdoor barbecuing. In 1993, over 5 million propane gas grills were sold, which were used an average of 5.1 times per month. Both gas grill usage and sales show significant year to year increases. The National Propane Gas Association estimates that there are currently 50 million 20 pound cylinders

in use, as well as an additional 5 to 6 million being produced annually. It is believed that the market is ever increasing, and consequently, the above numbers shall increase significantly on an annual basis.

With such a large market for propane use and refilling of cylinders, there are many companies and people who see it as advantageous to get into the propane cylinder filling business. Regrettably, however, because there is no uniform standard for regulating the training and certification of those who fill cylinders, there is no incentive to ensure that cylinders are being properly filled. Nor are there incentives to obtain liability insurance that adequately protects the consumers from accidents which might occur due to untrained and irresponsible propane fillers.

Currently, there are many "mom and pop" operations where people are getting into the propane refilling business without the requisite training or understanding of the proper procedures which must be followed when filling propane cylinders. Most of these operations do receive training from their propane bulk supplier. Unfortunately, this training is often given to the owner or other responsible employee who fails to pass this training and knowledge on to those employees who are responsible for day to day filling operations. Uniform regulations governing the certification of fill-station operators will go a long way in preventing irresponsible fill-station operators from permitting untrained employees to fill or otherwise service 20 pound propane cylinders.

The only way to ensure that fill-station operators are properly trained and familiar with propane filling procedures is to enact regulations to force the fill-station operators to provide proof that they understand and enforce the safe filling of LP gas cylinders. Certification of these individuals is the only way to insure that this will occur. Furthermore, there must be adequate insurance to protect the consumer should an accident occur.

To reduce the chances of overfilling a 20 pound cylinder, action must be taken to insure that fill-station operators receive proper training in the safe handling and filling of the cylinders by weight by using certified scales equipped with electronic, pneumatic, or hydraulic stop-fill protection. Such a system reduces the risk of overfilling by requiring the operator to input the tare weight of each cylinder prior to the beginning of the filling sequence. Furthermore, operators should have proof that they are certified to fill cylinders properly. The very proposal to

require training and certification of fill-service operators will go a long way in further reducing accidents resulting from overfilled propane cylinders.

Requiring \$1 million dollars liability insurance will clarify the point to the fill-station operators of the seriousness of cylinder accidents which could improve the performance of operators and increase the safety standards in the industry. Propane fillers who are required to prove that they have properly trained and certified all personnel, along with requiring that they have properly insured their operations, will make sure that all operators are not seeking to make money without taking any of the necessary precautions to protect propane users.

The industry is continuously looking for new methods to insure the safe handling of propane gas by propane fillers. If propane dispensing attendants always followed the proper procedures for filling by weight or correct filling by volume, overfilling accidents would never occur. But alas, this is a system which depends for its safety on the continued cooperation and attention of every filling attendant, every time a container is filled. Thus, simple regulations must be enacted to insure that fill-station operators are properly trained, certified and insured. In the end, both the consumer and producers of the products will be protected.

In short, any new regulation should require fill-station operators and/or companies to have proper training with training certificates for filling of cylinders, national registration of the certification, \$1 million dollars in liability insurance, and strong and enforceable language for proper performance and compliance with specified safety procedures.

Regulatory Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This advance notice of proposed rulemaking is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and was not reviewed by the Office of Management and Budget. This advance notice of proposed rulemaking is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034; February 26, 1979).

B. Executive Order 12612

RSPA will evaluate any proposed rule in accordance with the principles and

criteria contained in Executive Order 12612 ("Federalism").

C. Regulatory Flexibility Act

RSPA will evaluate any proposed rule to determine whether it would have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

There are no new information collection requirements in this advance notice of proposed rulemaking.

E. Regulations Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Incorporation by reference, Packaging and containers, Radioactive materials, Reporting and record keeping requirements, Uranium.

Issued in Washington, DC, on August 19, 1996 under authority delegated in 49 CFR Part 106, Appendix A.

Robert A. McGuire,

Deputy Associate Administrator for Hazardous Materials Safety.

[FR Doc. 96-21567 Filed 8-22-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 960318084-6199-02; I.D. 071596C]

RIN 0648-AG55

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Naval Activities

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Correction to proposed regulations.

SUMMARY: This document contains corrections to the proposed regulations (I.D. 071596C) which were published on August 2, 1996, (61 FR 40377). These

corrections are necessary to make the preamble consistent with the proposed regulatory language, and to correct a typographical error.

DATES: Comments on the proposed rule must be received no later than September 17, 1996.

ADDRESSES: Comments should be addressed to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, (301) 713-2055.

SUPPLEMENTARY INFORMATION: On August 2, 1996, NMFS published a proposed rule (61 FR 40377) that, if implemented, would authorize the take of a small number of marine mammals incidental to shock testing the USS SEAWOLF submarine in the offshore waters of the U.S. Atlantic coast in 1997. Errors have been identified in the preamble to that document.

Need for Correction

As published, the proposed regulations contains errors that are in need of clarification.

Correction of Publication

Accordingly, the publication on August 2, 1996 of the proposed regulations (I.D. 071596C), which were the subject of FR Doc. 96-19659, are corrected as follows:

Under the preamble **SUPPLEMENTARY INFORMATION**, on page 40378, in the second column, under the heading Summary of Proposed Mitigation and Monitoring Measures, paragraph one, line 13, NMFS would like to clarify, by adding, after the words "(2.05 nmi)," "or a buffer zone of an additional 1.8 km (0.95 nmi) buffer zone, the detonation must be delayed unless the marine mammals are on a course within the buffer zone that is taking them away from the 3.8 km (2.05 nmi) safety zone, * * *."

Under the preamble **SUPPLEMENTARY INFORMATION**, on page 40378, in the second column, under the heading Summary of Proposed Mitigation and Monitoring Measures, paragraph one, line fourteen, the conversion "(0.05 nmi)" is corrected to read "(0.95 nmi)."

Dated: August 16, 1996.

P. Michael Payne,
Acting Director, Office of Protected Resources.
[FR Doc. 96-21378 Filed 8-22-96; 8:45 am]

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