

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.

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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.
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