

Dated: October 24, 1995.

R.C. North,

Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.

[FR Doc. 95-27868 Filed 11-9-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD01-95-141]

RIN 2115-AA97

Safety Zone: Sunken Vessel M/V EMPIRE KNIGHT, Boon Island, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a permanent safety zone encompassing those waters of the Atlantic Ocean within 1,000 yards of the approximate position 43°06'19" N, 70°27'09" W (datum NAD 83) and from the water's surface to the seabed floor. This rulemaking is being undertaken to ensure that the stern portion of the sunken vessel M/V EMPIRE KNIGHT, and its cargo of mercury, is not disturbed by dredging, diving, salvage, anchoring, fishing, or other activity. This proposed rule is necessary to protect the environment, and the commercial fishery, and the general public from any adverse effects of contamination from mercury which could result from the disturbance of the stern section of the wreck.

DATES: Comments must be received on or before January 12, 1996.

ADDRESSES: Comments may be mailed to Chief, Response & Planning Department, U.S. Coast Guard Marine Safety Office, P.O. Box 108, Portland, ME 04112-0108. Comments may also be hand delivered to the Response & Planning Office at 312 Fore Street, Portland, Maine between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (207) 780-3251, extension 153.

FOR FURTHER INFORMATION CONTACT: Lieutenant Al Echols, Response & Planning Department, U.S. Coast Guard Marine Safety Office, Portland, Maine at (207) 780-3251, extension 153.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD01-95-141) and the specific section of this proposal to which each

comment applies, and give a reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an 8½" × 11" unbound format suitable for copying and electronic filing. If that is not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **ADDRESSES**. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Drafting Information. The principal persons involved in drafting this document are Lieutenant Al Echols, Project Manager, Marine Safety Office Portland, Maine, and Lieutenant Commander Sam Watkins, Project counsel, First Coast Guard District Legal Office, Boston, MA.

Background and Purpose

In February of 1944, the M/V EMPIRE KNIGHT, a 428 foot British freight ship ran aground on Boon Island Ledge, Maine, and later broke into two sections. The stern section, which includes the ship's cargo holds, sank in approximately 260 feet of water, one and one half miles from Boon Island Ledge. In August of 1990, the Coast Guard Captain of the Port, Portland, Maine (COTP) became aware of the existence of a "Proposed" Plan of Stowage for the wreck of the M/V EMPIRE KNIGHT which indicated that 221 flasks containing mercury may have been loaded into cargo hold number 5. The COTP issued a Captain of the Port Order to a company then conducting salvage operations, requiring them to refrain from further salvage activity until the situation could be more thoroughly assessed.

Over the next year, the COTP convened an Incident Specific Regional Response Team (RRT) consisting of representatives from the Maine Department of Environmental Protection, the New Hampshire Department of Environmental Services, the Maine Department of Marine Resources, the New Hampshire Department of Fish and Game, the U.S. Environmental Protection Agency, the U.S. National Oceanic and Atmospheric Administration, and the U.S. Coast

Guard to gather information about the M/V EMPIRE KNIGHT and its cargo, and to identify the possible courses of action.

During the summer of 1992, the Maine Department of Marine Resources collected samples of bottom sediment around the stern portion of the EMPIRE KNIGHT to determine if mercury was present and, if so, to what extent. Laboratory analyses of the samples revealed levels of mercury consistent with the background levels with some exceptions, rendering them inconclusive on whether mercury had been on board the M/V EMPIRE KNIGHT at the time of its sinking.

In the spring of 1993, the COTP, in consultation with the RRT, determined that the possible presence of mercury on board the M/V EMPIRE KNIGHT constituted an imminent and substantial threat to the environment. The RRT agreed that an on site assessment of the stern section of the M/V EMPIRE KNIGHT was necessary to determine the presence of the mercury, and to assess whether it would be necessary, feasible, and safe to remove it if on board.

In August, 1993, the COTP, as the Federal On Scene Coordinator, initiated a \$6.8 million emergency site assessment and removal operation. The presence of mercury on board was quickly confirmed. All 221 manifested mercury flasks were located in cargo hold number 5 and were recovered, but were found in badly deteriorated condition and were nearly empty. Loose mercury was discovered throughout cargo hold number 5, and approximately 1,230 pounds were recovered. Nearly 2,200 pounds of mercury-contaminated debris and cargo residue were also recovered.

Extensive sampling and analysis was conducted throughout the operation. Samples included bottom sediments in the vicinity of the stern section of the wreck and various species of fish and shellfish from the area around the vessel. From within cargo hold number 5, samples of the sediment, scrapings off the cargo, and fish and shellfish were taken.

In October, 1993, the operation was suspended due to deteriorating weather conditions. At that time, an estimated 16,000 pounds of mercury remained unaccounted for and is believed to be spread throughout the cargo residue of cargo hold number 5.

In February, 1994, the RRT was reconvened by the COTP to consider the results of the sample analyses and to determine the best course of action. The sample analysis results showed that concentrations of mercury were elevated inside cargo hold number 5, but

dropped off quickly to background levels in the bottom sediments outside the hold. No contamination of fish or shellfish was identified with the exception of those specimens collected from within cargo hold number 5. The key issue then became the long term fate of mercury in a marine environment. The RRT decided to submit the sample results to NOAA and an independent scientist with a request for an analysis of the available data and scientific literature and to develop a forecast of the long term behavior of the mercury on site.

In August, 1994, a commercial salvage company that had remained prohibited from conducting salvage operations by the Captain of the Port Order, submitted to the COTP a request to lift the order. The company also submitted a proposal to conduct salvage operations on the wreck of the M/V EMPIRE KNIGHT.

In September, 1994, the RRT was again reconvened to consider the reports submitted by NOAA and the independent scientist.

While the reports differed in details, they concurred in concluding that the site was currently stable and that the mercury did not pose a substantial threat to the environment. Both reports were written, however, under the presumption that the wreck of the M/V EMPIRE KNIGHT would remain essentially undisturbed with the exception of its gradual decomposition from natural forces. Both reports further agreed that the probability of a catastrophic release of mercury to the environment as a result of activity on or near the M/V EMPIRE KNIGHT was low. The RRT reached the conclusion that the wreck of the M/V EMPIRE KNIGHT did not meet the condition of "imminent and substantial" threat under CERCLA and that additional emergency response operations would not be conducted. The RRT further agreed to develop a plan for long-term monitoring of the site with the intent of detecting any changing conditions.

In August, 1995, the RRT reconvened to discuss the issue of allowing any type of activity on or near the wreck of the M/V EMPIRE KNIGHT. Consensus was reached that all information currently before the RRT indicated that the predictable risk of activity on the wreck resulting in mercury contamination of the environment was low. It was further agreed that, although the risk of a release was low, the foreseeable consequences of that release could be devastating to the local environment, the public health, and the economy of the region's fisheries. The unanimous recommendation of the RRT was to prohibit any activity on or near the stern

section of the wreck of the M/V EMPIRE KNIGHT. This safety zone is being proposed as a result of that meeting.

Discussion of Proposed Amendments

This Safety Zone is proposed to protect the environment, the local economy, and the public health and welfare from the possible adverse consequences associated with the voluminous mercury cargo that remains on board the M/V EMPIRE KNIGHT. The United States Coast Guard, in consultation with the Incident Specific Regional Response Team, has determined that, although the current level of threat from the mercury cargo is low, any disturbance of the wreck site, whether intentional or unintentional, poses an unacceptable risk to the environment and to human health. The safety zone will prohibit all vessels and persons from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations within 1000 yards of the stern portion of the wreck of the M/V EMPIRE KNIGHT from the water's surface to the seabed floor except as authorized by the Captain of the Port, Portland, Maine.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the proposal has no significant effect on shipping, and its impact on fishing is minimal as it removes a small portion (less than one square mile) of the available fishing grounds from active fishing.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under

section 3 of the Small Business Act (15 U.S.C. 632). For reasons set forth in the above Regulatory Evaluation, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.(e) of the Coast Guard's procedures for implementing the National Environmental Policy Act (Commandant Instruction M16474.1B), this action is categorically excluded from further environmental documentation. A Categorical Exclusion Determination will be made available in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 160.5; 49 CFR 1.46.

2. Section 165.141 is added to read as follows:

§ 165.141 Safety Zone; Sunken vessel M/V EMPIRE KNIGHT, Boon Island, ME.

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within 1,000 yards of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19" N, 70°27'09" W, and extending from the water's surface to the seabed floor. (Datum: NAD 83)

(b) *Regulations.* In accordance with the general regulations governing safety zones contained in § 165.23, all vessels

and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Captain of the Port, Portland, Maine. Innocent transit through the area within the safety zone is not affected by this section and does not require the authorization of the Captain of the Port.

Dated: September 15, 1995.

Burton S. Russell,

Commander, U.S. Coast Guard, Captain of the Port, Portland, Maine.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3170

Coalbed Methane

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; notice of extension of public comment period.

SUMMARY: The Bureau of Land Management (BLM) hereby gives notice that it is extending the public comment period on a Notice of Proposed Rule, which was published in the Federal Register on September 15, 1995 (60 FR 47920). The proposed rule would add a new part to the oil and gas leasing regulations. This regulation is intended to encourage the production of coalbed methane in States where production has been impeded by conflicts in ownership. In response to public requests for additional time, BLM extends the comment period 15 days from November 14, 1995, to November 29, 1995.

DATES: Comments should be submitted by November 29, 1995. Comments received or postmarked after the above date may not be considered in the decision making process on the final rule.

ADDRESSES: Comments should be sent to: Director (420), Bureau of Land Management, Room 401 LS, 1849 C Street NW., Washington, DC 20240. Comments can also be sent to internet!WO140@attmail.com. Please include "attn:AC27" and your name and address in your internet message. Comments will be available for review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: David R. Stewart, Bureau of Land

Management, Eastern States Office at (703) 440-1728.

Dated: November 6, 1995.

W. Hord Tipton,

Assistant Director, Resource Use and Protection.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 10, 12, and 15

[CGD 95-062]

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as Revised by the 1995 Amendments to It

AGENCY: Coast Guard, DOT.

ACTION: Notice of inquiry.

SUMMARY: The Coast Guard seeks information that may be useful in calculating the costs and benefits of implementing the 1995 Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978. This information will be useful in evaluating alternative regulatory approaches, especially where the 1995 Amendments allow some flexibility in how particular new requirements can be implemented to improve the training and assessment of candidates for merchant mariners' licenses and endorsements.

DATES: Comments must be received on or before January 12, 1996.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA, 3406) [CGD 95-062], U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477. Comments on collection-of-information requirements must be mailed also to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

A copy of the 1995 Amendments to STCW may be obtained by writing

Commandant (G-MOS), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, or by calling (202) 267-0214, between 8 a.m. and 3 p.m. Monday through Friday, except Federal holidays. Requests may also be submitted by facsimile at (202) 267-4570.

FOR FURTHER INFORMATION CONTACT:

Mr. Randall N. Crenwelge, Standards Evaluation and Development Division (G-MES), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, telephone (202) 267-6220.

SUPPLEMENTARY INFORMATION:

Request for Information

The Coast Guard encourages interested persons to participate in this inquiry by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this inquiry [CGD 95-062] and the specific section or question of this document to which each comment or question applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes. The Coast Guard will consider all comments received during the comment period.

The Coast Guard held a public meeting on August 31, 1995, in Washington, DC. Persons may request additional public meetings by writing to the Marine Safety Council at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that another opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold another public meeting at a time and place announced by a later notice in the Federal Register.

Drafting Information. The principal persons involved in drafting this document are Mr. Randall N. Crenwelge, Project Manager, Standards Evaluation and Development Division (G-MES), and Mr. Patrick J. Murray, Project Counsel, Regulations and Administrative Law Division (G-LRA).

Background and Purpose

On July 7, 1995, a Conference of Parties to STCW, meeting at the headquarters of the International Maritime Organization (IMO) in London, adopted a package of amendments to STCW. The amendments will enter into force on February 1, 1997, unless a third of the