availability of the Environmental Assessment. Many of these comments raised concerns regarding the reporting requirements placed on the marine event sponsors and the potential environmental effects associated with changing the current regulations on regatta and marine parade permitting procedures. In addition, several comments received in response to a draft Environmental Impact Statement (EIS) entitled ''U.S. Coast Guard Atlantic Protected Living Marine Resources Initiative'' reiterated concerns raised by the comments on the interim rule. Based upon these comments, and concerns raised during the ongoing consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, the Coast Guard is reconsidering whether to proceed with a revision of the existing regulations on regatta and marine parade permitting procedures, as published, and is postponing the effective date for the interim rule.

Accordingly, in FR Doc. 96–16319 published in the Federal Register on June 26, 1996, at 61 FR 33027, the effective date for the referenced interim rule is changed from January 1, 1997, to January 1, 1998.

Dated: November 19, 1996.

M.F. McCormack,

*Captain, U.S. Coast Guard, Acting Assistant Commandant for Operations.*

[FR Doc. 96–30065 Filed 11–25–96; 8:45 am]

**BILLING CODE 4910–14–M**

## 33 CFR Part 100

**[CGD 05–96–105]**

## Special Local Regulations for Marine Events; Holidays in the City Boat Parade; Town Point, Elizabeth River, Norfolk, Virginia

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of implementation.

**SUMMARY:** This notice implements 33 CFR 100.501 for the Holidays in the City Boat Parade and Fireworks Display, an annual event to be held on November 30, 1996. The event will include a boat parade of approximately 65 vessels and a fireworks display at the conclusion of the parade. These special local regulations are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and expected vessel congestion. The effect will be restrict general navigation in the area for the safety of participants, spectators, and other vessels transiting the event area.

**EFFECTIVE DATE:** The regulations in 33 CFR 100.501 are effective from 5 p.m. to 8:30 p.m., November 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** LTJG R. Christensen, marine events coordinator, Commander, Coast Guard Group Hampton Roads, 4000 Coast Guard Blvd., Portsmouth, VA 23703–2199, (757) 483–8521.

**SUPPLEMENTARY INFORMATION:** The Downtown Norfolk Council will sponsor the Holidays in the City Boat Parade and Fireworks Display on November 30, 1996. The Boat parade route will run from the Berkeley Bridge to Hospital Point on the Elizabeth River and along the Portsmouth waterfront on the Southern Branch of the Elizabeth River. Approximately 65 vessels are expected to participate in the boat parade. The fireworks display will be launched from Town Point Park. A large number of spectator vessels are expected for both the boat parade and the fireworks display. Therefore, to ensure safety of both participants and spectators, 33 CFR 100.501 will be in effect for the duration of the event. Under the provisions of 33 CFR 100.501, a vessel may not enter the regulated area unless it is registered as a participant with the event sponsor or it receives permission from the Coast Guard patrol commander. These restrictions will be in effect for a limited period and should not result in significant disruption of maritime traffic.

Additionally, 33 CFR 110.72aa and 33 CFR 117.1007(b) will be in effect while 33 CFR 100.501 is in effect. Section 110.72aa establishes special anchorages which may be used by spectator craft. Section 117.1007(b) provides that the draw of the Berkeley Bridge shall remain closed from one hour prior to the scheduled event until one hour after the scheduled event unless the Coast Guard patrol commander allows it to be opened for passage of commercial traffic.

Dated: November 12, 1996.

Kent H. Williams,

*Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 96–30227 Filed 11–25–96; 8:45 am]

**BILLING CODE 4910–14–M**

## 33 CFR Part 165

**[COTP Los Angeles-Long Beach 96–003]**

**RIN 2115–AA97**

## Safety Zone; San Pedro Bay, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard has established a moving safety zone around any liquefied hazardous gas tank vessel (LHG T/V) while the vessel is anchored, moored, or underway within the Los Angeles-Long Beach port area. The safety zone will take effect upon the entry of any LHG T/V into the waters within three (3) miles outside of the Federal breakwaters encompassing San Pedro Bay, and will remain in effect until the LHG T/V leaves the said three (3) mile limit. Entry into this zone is prohibited unless authorized by the Captain of the Port Los Angeles-Long Beach. Prohibiting vessel traffic from entering these moving safety zones will reduce the likelihood of a collision or explosion involving a liquefied hazardous gas carrier.

**EFFECTIVE DATE:** This final rule is effective on October 15, 1996.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the officer of the Commanding Officer, U.S. Coast Guard Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802 between 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The telephone number is (310) 980–4454.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Keith T. Whiteman, Chief, Port Safety and Security Division, Marine Safety Office Los Angeles-Long Beach, 165 N. Pico Avenue, Long Beach, CA 90802; phone: (310) 980–4454 or fax: (310) 980–4415.

**SUPPLEMENTARY INFORMATION:**

### Regulatory History

On April 17, 1996, the Coast Guard published an NPRM entitled Safety Zone; San Pedro Bay, CA in the Federal Register (61 FR 37714). The Coast Guard received no letters commenting on the proposal. No public hearing was requested, and none was held.

### Background and Purpose

Liquefied hazardous gas tank vessels (LHG T/V) periodically transit and moor in Los Angeles-Long Beach port areas to load butane at the AmeriGas facility at Los Angeles Berth 120. For each LHG T/V arrival and departure, the Captain of the Port Los Angeles-Long Beach has exercised his authority and established a temporary safety zone around the vessel. These transits are occurring with increasing frequency. To limit the administrative burden of creating a temporary final rule for each vessel, the Captain of the Port created a regulation which establishes a moving safety zone around each LHG T/V while it is in the

port area (within 3 miles offshore of the Federal breakwater) to protect the public and port waterways and resources from the hazards associated with the transport and transfer liquefied hazardous gas. The following areas would be established as safety zones:

(1) The waters within a 500 yard radius around a liquefied hazardous gas tank vessel (LHG T/V), while the vessel is anchored at a designated anchorage area inside the Federal breakwaters bounding San Pedro Bay, or is anchored outside the breakwaters at designated anchorage areas within three (3) miles of the breakwaters;

(2) The waters and land area within 50 yards of a LHG T/V, while the vessel is moored at any berth within the Los Angeles or Long Beach port area, inside the Federal breakwaters;

(3) The waters 1000 yards ahead of and within 500 yards of all other sides of a LHG T/V, while the vessel is underway on the waters inside the Federal breakwaters, or on the waters extending three (3) miles outward from the Federal breakwaters.

Entry into this zone will be prohibited subject to the following exceptions:

(1) Entry may be authorized by the Captain of the Port Los Angeles-Long Beach;

(2) Vessels already moored or anchored when the LHG T/V safety zone goes into effect are not required to get underway to avoid entering into the safety zone boundaries.

The Coast Guard will issue a Broadcast Notice to Mariners advising the marine community of any LHG T/V transits. Enforcement of the safety zone around LHG vessels and the escort of LHG vessels will be conducted by the Coast Guard. Assistance in enforcement and escort functions may also be provided by the Los Angeles Port Police at the request of the Captain of the Port.

Discussion of Comments and Changes

The Coast Guard received no comments on our April 17, 1996 NPRM (61 FR 37714).

Regulatory Evaluation

This proposed rule 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 regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of the Department of Transportation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether these regulations will have a significant economic impact on a substantial number of small entities. ''Small Entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. The Coast Guard will broadcast scheduled transits, enabling other companies with vessels transiting in the area to adjust their vessel movements accordingly, causing minimal economic impact. Therefore, the Coast Guard certifies—that, if adopted, this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This regulation 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 regulation under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this regulation and concluded that under paragraph 2.B.2 of Commandant Instruction M16475.1B, as revised in 59 FR 38654, July 29, 1994, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A categorical exclusion determination and environmental analysis checklist is avalable in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways. In consideration of the foregoing, subpart F of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for 33 CFR part 165 continues to read as follows:

## PART 165—[AMENDED]

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. A new section 165.1101 is added under the undesignated center heading ''Eleventh Coast Guard District'' to read as follows:

### § 165.1101 Safety Zone: San Pedro Bay, CA.

(a) *Location.* The following areas are established as safety zones during the specified conditions:

(1) The waters within a 500 yard radius around a liquefied hazardous gas tank vessel (LHG T/V), while the vessel is anchored at a designated anchorage area either inside the Federal breakwaters bounding San Pedro Bay, or anchored outside the breakwaters at designated anchorage areas within three (3) miles of the breakwaters;

(2) The waters and land area within 50 yards of a LHG T/V, while the vessel is moored at any berth within the Los Angeles or Long Beach port area, inside the Federal breakwaters bounding San Pedro Bay;

(3) The waters 1000 yards ahead of and within 500 yards of all other sides of a LHG T/V, while the vessel is underway on the waters inside the Federal breakwaters encompassing San Pedro Bay, or within the waters three (3) miles outside of the Federal breakwaters in an area more particularly described as follows: Beginning at a point which is Point Fermin Light (33°42′18″ N, 118°17′36″ W); thence along the shoreline to the San Pedro breakwater; thence along the San Pedro breakwater and the Middle breakwater (following the COLREGS Demarcation Lines) to Long Beach Channel Entrance Light ''2'' (33°43′23″ N, 118°10′50″ W)' thence south southeast to 33°40′31″ N, 118°08′42″ W; thence west to 33°40′31″ N, 118°12′03″ W; thence west southwest to 33°39′17″ N, 118°16′00″ W; thence northwest to 33°40′06″ N, 118°17′38″ W; thence north to the point of beginning. [Datum: NAD 1983]

(b) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within these zones is prohibited subject to the following exceptions:

(1) Entry may be authorized by the Captain of the Port; or

(2) Vessels already anchored or moored when the safety zone is in effect are not required to get underway to avoid entering into the safety zone boundaries as listed in paragraph (a) of this section.

(c) *Notice.* The Captain of the Port will notify the maritime community of periods during which this safety zone will be in effect via Broadcast Notice to Mariners.

Dated: October 15, 1996.

E.E. Page,

*Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.*

[FR Doc. 96–30066 Filed 11–25–96; 8:45 am]

**BILLING CODE 4910–14–M**

## 33 CFR Part 165

**[CGD01–95–141]**

**RIN 2115–AA97**

## Safety Zone: Sunken Vessel EMPIRE KNIGHT, Boon Island, Maine

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is amending the regulations to establish a permanent safety zone. This action is necessary to ensure that the stern portion of the sunken M/V EMPIRE KNIGHT, and its cargo of mercury, is not disturbed by dredging, diving, salvage, anchoring, fishing, or other activity. This rulemaking is needed to protect the environment, 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.

**EFFECTIVE DATE:** This final rule is effective August 23, 1996.

**ADDRESSES:** Unless otherwise indicated, documents referenced in this preamble are available for inspection or copying at the office of the Chief, Response & Planning Department, U.S. Coast Guard Marine Safety Office, 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 114.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Jeff Gafkjen, Response & Planning Department, U.S. Coast Guard Marine Safety Office, P.O. Box 108, Portland, Maine 04112–0108 at (207) 780–3251, extension 114.

**SUPPLEMENTARY INFORMATION:**

### 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 (RPT) 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 possible courses of action.

During the summer of 1991, 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 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 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 subsequently recovered, but they 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 15,000 pounds of mercury remained unaccounted for and is believed to have settled into the sediment, and may have come to rest at a low point 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 request to conduct salvage operations on the wreck of the EMPIRE KNIGHT.

In September, 1994, the RRT was reconvened to consider the reports submitted by NOAA and the independent scientist. While the reports differed in details, they both concluded 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 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 EMPIRE KNIGHT was low. The RRT reached the conclusion that the