

Norfolk Harborfest. The special local regulations will be established to limit access to and control vessel traffic within the immediate vicinity of the Harborfest regatta. Due to the confined nature of the waterway and the expected congestion at the time of the regatta, these regulations are necessary to ensure safety of life on the Elizabeth River at Norfolk and Portsmouth, Virginia, immediately before, during and immediately after the regatta.

DATES: All comments received before May 25, 1979, will be considered.

Proposed effective dates: From 2:30 p.m. EDT until 11:00 p.m. EDT on June 16, 1979 and from 2:30 p.m. EDT until 5:00 p.m. EDT June 17, 1979.

FOR FURTHER INFORMATION CONTACT: LT R. T. VIA, Commander(b), Fifth Coast Guard District, Portsmouth, Virginia 23705, 804-398-6202.

SUPPLEMENTARY INFORMATION: The establishment of special local regulations to ensure the safety of life on the navigable waters of the United States immediately before, during and immediately after a regatta is authorized by 46 U.S.C. sec. 454 and 33 CFR 100.35. Accordingly, the following local regulations are proposed:

(a) *Location.* The area subject to these regulations is those waters enclosed by lines drawn across the Elizabeth River at latitude of 36°17'19" W.

(b) *Regulations.* (1) Except for participants in the Norfolk Harborfest or persons or vessels authorized by the Coast Guard patrol commander, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) above of these regulations shall:

(i) Stop his vessel immediately upon being directed to do so by any Coast Guard officer or petty officer; and

(ii) Proceed as directed by the Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations.

(4) The Coast Guard patrol commander is a commissioned officer of the Coast Guard, who has been designated by the Commander, Fifth Coast Guard District. The patrol commander will be stationed at the reviewing platform at Town Point.

(5) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard and private vessels displaying the Coast Guard ensign.

(46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b))

Dated: May 7, 1979.

G. L. Kraine,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

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DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 Part 426]

Reclamation Rules and Regulations for Acreage Limitation

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement on Proposed Rules and Regulations for Enforcing the 160-Acre Limitation on Federal Water Projects.

SUMMARY: The Secretary of the Interior intends to prepare an environmental impact statement on proposed rules and regulations for enforcing the 160-acre limitation on Federal water projects.

Proposed rules were published in the Federal Register on August 25, 1977, volume 42, No. 165. Thirteen public hearings were held on the proposed rules, resulting in testimony from 1,077 people and 10,767 letters of comment. The proposed rules have been revised taking into consideration public comment and will be published as part of the draft environmental impact statement in December 1980.

The scope of the environmental impact statement has already been determined following meetings conducted by the Bureau of Reclamation with representatives of the Department of Agriculture and the Interior, and the Council on Environmental Quality (CEQ). Records of testimony from departmental and congressional public hearings, testimony from civil actions in the U.S. District Court for the Eastern District of California, numerous articles in professional journals, and suggestions from interest groups were used to scope the environmental impact study. The proposed action will be the revised rules. A number of other alternatives will be discussed that bracket the range of potential impacts.

These environmental activities and the document preparation were ongoing activities at the time of the publication of the CEQ regulations pertaining to environmental impact statements. This notice of intent is being published in order to comply to the fullest extent

practicable with these recent final regulations. Since the studies for the impact statement are well underway, no additional scoping meetings will be held. An outline of the draft environmental impact statement is available on request. Suggestions from the public are welcome.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Special Projects Office, O&M Policy Staff, Bureau of Reclamation, Department of the Interior, 18th and C Street NW., Washington, DC 20240, (202) 343-2148.

Dated: May 11, 1979.

R. Keith Higginson,
Commissioner.

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DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 192 and 195]

[Docket No. OPSO-39; Notice 76-3]

Transportation of Natural and Other Gas and Liquids by Pipeline; Pipeline Occupational Safety and Health Standards

AGENCY: Materials Transportation Bureau: DOT

ACTION: Withdrawal of advance notice of proposed rulemaking.

SUMMARY: This document withdraws an advance notice of proposed rulemaking in which the Materials Transportation Bureau (MTB) requested advice, recommendations, and information relating to the issuance of additional occupational safety and health standards for the protection of employees engaged in the construction, operation, and maintenance of pipeline systems and facilities used in the transportation of hazardous materials.

FOR FURTHER INFORMATION CONTACT: Ralph Simmons (202) 426-3047.

SUPPLEMENTARY INFORMATION: On December 22, 1976, MTB issued an advance notice of proposed rulemaking (Notice 76-3; 41 FR 56834, December 30, 1976) requesting information to aid in determining if additional standards governing occupational safety and health of employees engaged in the construction, operation, and maintenance of pipelines and facilities should be proposed for adoption. Forty-six persons responded to the request for information in Notice 76-3. Forty of these commenters objected to MTB issuing additional standards governing

occupational safety and health standards for pipeline employees.

The primary reasons which the commenters advanced for their objections were that:

1. The Occupational Safety and Health Administration (OSHA) has promulgated regulations and has an ongoing enforcement policy for the regulation of the safety and health of employees in the work place.

2. MTB's primary concern is public safety accomplished by regulating the safety of pipeline systems and facilities through engineering design, construction, operations, and maintenance.

3. The issuance of additional occupational safety and health standards by MTB would be a duplication of OSHA's efforts and would increase the possibility of jurisdictional disputes.

4. Pipeline operators are presently meeting OSHA's standards, and for MTB to issue standards which might differ from those of OSHA could disrupt the operators' safety programs and safety training which would result in unnecessary cost.

5. There has been no demonstrable need shown for additional occupational safety and health standards by either a cost benefit analysis or through accident and injury reports.

Those commenters who favored MTB's adoption of additional occupational safety and health standards did so primarily for the following reasons:

1. That MTB is familiar with the operation of the pipeline industry.

2. That the pipeline industry is an industry with unique problems which are best regulated by people familiar with the industry and its problems.

3. OSHA rules are too specific; MTB should adopt rules that are of a performance type.

4. That one agency should be responsible for all safety and health activities in the pipeline industry.

Considering the fact that MTB's present standards development efforts are primarily directed to protecting the public safety by regulating pipeline design, construction, operation, and maintenance activities and absent any information that shows a compelling reason for MTB to issue additional standards governing occupational safety and health, MTB is of the opinion that it would not be productive to issue additional occupational safety and health standards, at this time. Therefore, MTB is withdrawing Notice 76-3.

The withdrawal of Notice 76-3 does not mean that MTB will not continue to

issue occupational safety and health standards for employees where the safety and health of the employee is directly related to the safe operation of the pipeline system and facilities. Nor does it preclude the possibility that MTB will issue additional occupational safety and health standards in the future if, in its opinion, it would be productive to do so.

In consideration of the foregoing, Notice 76-3 is hereby withdrawn.

(49 USC 1672; 49 USC 1804; 18 USC 834; and 49 CFR 1.53, Appendix A of Part 1, and Appendix A of Part 106)

Issued in Washington, D.C., on May 9, 1979.

Cesar De Leon,

*Associate Director for Pipeline Safety,
Regulation, Materials Transportation Bureau.*

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