

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****Oregon State Plan; Extension of Federal Jurisdiction to Shipyards and Indian Reservations**

This document gives notice of assumption by the Federal Occupational Safety and Health Administration (OSHA) of additional enforcement jurisdiction in the State of Oregon for shore side shipyard and boatyard employment, and over private sector establishments, including tribal and Indian-owned enterprises, within the boundaries of all Indian reservations, and on trust lands outside of reservations, effective January 6, 1999.

On December 23, 1998, the Occupational Safety and Health Administration (OSHA) and the Oregon Occupational Safety and Health Division (OR-OSHA) signed a Memorandum of Understanding (MOU) relinquishing State jurisdiction and extending Federal OSHA's enforcement jurisdiction in the State of Oregon to include shipyards, and employment on Indian reservations and lands, and clarifying other areas of jurisdiction. The MOU serves as an addendum to the 1975 Operational Status Agreement between the parties. By this addendum, Federal OSHA is assuming additional jurisdiction for shore side shipyard and boatyard activity. By a separate December 1, 1998 addendum, which is also reflected in this MOU, Federal OSHA has also assumed jurisdiction over private sector employment, including tribal and Indian-owned enterprises, on all Indian reservations, including establishments on trust lands outside of reservations. A copy of the Memorandum of Understanding is annexed hereto.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Friedman, Director, Office of Public Affairs, Occupational Safety and Health Administration, Room N3467, 200 Constitution Avenue, NW, Washington, DC, 20210, Telephone (202) 693-1999.

Signed at Washington, DC this 30th day of 1998.

**Charles N. Jeffress,**  
*Assistant Secretary of Labor.*

**Memorandum of Understanding and Addendum to the Operational Status Agreement Between U.S. Department of Labor Occupational Safety and Health Administration and The Oregon Occupational Safety and Health Division Department of Consumer and Business Services**

This Memorandum of Understanding is intended to restate through compilation in a single document Federal OSHA's enforcement jurisdiction in the State of Oregon and to serve as an addendum to existing jurisdictional agreements contained in the January 23, 1975 Operational Status Agreement between the parties, as amended in December 1983, November 1991, and December 1998, and related subsequent clarifying Memoranda of Understanding dated August 1984, February 1987, October 1992 and September 1998. Generally, Federal OSHA has coverage in those areas identified as "exclusive federal jurisdiction" and also in those issues where OR-OSHA has declined or returned coverage. Also, OR-OSHA has jurisdiction over all work performed by employees of the State or of a political subdivision of the State, as provided by Section 18(c)(6) of the OSHAct, and Federal OSHA has jurisdiction over all Federal employees.

This agreement supersedes the Memorandum of Understanding signed September 21, 1998.

**F-1. Shipyards and Boatyards**—As established in the January 1975 Oregon OSHA/Federal OSHA Operational Agreement, Federal OSHA has jurisdiction for private sector employment on the navigable waters of the United States. By this addendum, OR-OSHA relinquishes to Federal OSHA additional jurisdiction for the shore side shipyard and boatyard activity, from the foot of the gangway on floating vessels, dry docks, graving docks and marine railways to the front gate at the work site, at all private sector work sites located on or immediately adjacent to the navigable waters. Federal OSHA will now exercise enforcement authority over all shipyard employment on or immediately adjacent to the navigable waters in Oregon from the front gate of the worksite to the U.S. statutory limits. OR-OSHA maintains jurisdiction in all other private sector shipyard and boatyard operations not located on or immediately adjacent to the navigable waters. OR-OSHA has exclusive jurisdiction for all employees of the State and its political subdivisions on land or any waters in the State.

**F-2. Longshoring/Marine Terminals**—Federal OSHA's jurisdiction for longshoring and marine terminal operations includes coverage of private sector employment on the wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel, including structures which are devoted to receiving, handling, holding,

consolidating and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment. This does not include production or manufacturing areas nor does the term include storage facilities directly associated with those production or manufacturing areas. All employees of the State and its political subdivisions engaged in such activities are covered by OR-OSHA during all such operations.

This coverage is consistent with the approved State-Initiated Plan Change published in the **Federal Register**, effective June 15, 1977, where the jurisdiction for on-shore longshoring activities was returned to Federal OSHA. Federal OSHA has jurisdiction for all activities at marine grain terminals including all structures which are devoted to receiving, handling, holding, consolidating and loading or delivery of waterborne shipments.

**F-3. Marine Construction**—Federal OSHA has jurisdiction for construction activities emanating from or on floating vessels on the navigable waters of the United States. OR-OSHA has jurisdiction for construction activities emanating from land, piers, docks, wharves, bridges, or any other non-floating structure attached to land along navigable waters. OR-OSHA has exclusive jurisdiction for all employees of the State and its political subdivisions on land or any waters in the State.

**F-4. Commercial Diving**—The jurisdiction between Federal OSHA and OR-OSHA for commercial diving operations in the waters of Oregon is dependent on the dive location. Federal OSHA has coverage if the dive is originating from an object afloat (vessel, barge, etc.) a navigable waterway. OR-OSHA has jurisdiction if the dive originates from land or a dock, pier, wharf or bridge appended to land along navigable waters. OR-OSHA maintains jurisdiction for all other commercial diving. OR-OSHA has exclusive jurisdiction for all employees of the State and its political subdivisions on land or any waters in the State.

**F-5. Other Waterfront Activity**—At all other private sector places of employment on or adjacent to navigable waters, that are not described in F-1 through F-4 above, Federal OSHA will exercise its jurisdiction whenever the activity occurs on or from the water, and OR-OSHA will exercise its jurisdiction whenever the activity occurs on or from the land. Each agency will address readily apparent hazards whether on the land or on the water, in order to assure the safety of all activities within the worksite. OR-OSHA maintains jurisdiction for all other waterfront activity not on navigable waters.

**F-6. U. S. Military Reservations**—In an addendum to the Operational Status Agreement dated December 7, 1983, the Workers' Compensation Department relinquished back to Federal OSHA jurisdictional and enforcement authority for conducting safety and health inspections within the borders of all federal military reservations within the State of Oregon. All establishments and reservations of the U.S. Navy, Army, Air Force, Marine Corps, and Coast Guard are included except for private contractors working on U.S. Army Corp of

Engineers' dam construction projects, including reconstruction of docks and other appurtenances. The State retains jurisdiction for these private contractor activities, subject to the provisions in F-3. In addition, respective jurisdictional responsibilities for Oregon National Guard facilities are as follows:

1. Uniformed Military personnel: Neither Federal OSHA nor OR-OSHA has jurisdiction.
2. Federal National Guard civilians: Federal OSHA jurisdiction.
3. State National Guard civilians: OR-OSHA jurisdiction.
4. Private civilians contractors: Federal OSHA jurisdiction.

F-7. Warm Springs Indian Reservation—In the August 18, 1978, **Federal Register** (43 FR 36624) an approval of a supplement to the Oregon State Plan was published whereby the State of Oregon relinquished enforcement jurisdiction over all employment and places of employment on the Reservation and on Tribal Trust Lands, except for all employees of the State and its political subdivisions.

F-8. Umatilla Indian Reservation—In the September 14, 1997 **Federal Register** (62 FR 49908-49910) an approval of a supplement to the Oregon State Plan was published whereby the State of Oregon relinquished enforcement jurisdiction over all employment and places of employment on the Reservation and on Tribal Trust Lands, except for all employees of the State and its political subdivisions.

F-9. All Other Indian Reservations—By an addendum to the Operational Status Agreement dated December 1, 1998, OR-OSHA relinquished back to Federal OSHA enforcement jurisdiction over all private sector establishments, including tribal and Indian-owned enterprises, on all Indian and non-Indian lands within the currently established boundaries of all other Indian reservations, and on lands outside of these reservations that are held in trust by the Federal government for these tribes. These reservations include but are not limited to reservations of the: Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde Tribes); Confederated Tribes of Coos, Lower Umpqua and Siuslaw (Coos Tribes); Confederated Tribes of Siletz (Siletz Tribes); Cow Creek Band of Umpqua (Cow Creek); Klamath Tribe; Coquille Tribe; and Burns Paiute Tribe. Oregon OSHA retains enforcement jurisdiction over all employees of the State and its political subdivisions working on these reservation or trust lands. Oregon OSHA also continues to offer its consultation and training services to private sector establishments on these lands.

F-10. Tribal or Indian Owned Businesses Outside Reservation and Trust Lands—Businesses owned by Indians or Indian Tribes that conduct work activities outside the Tribal Reservation or Trust Lands, are subject to the same jurisdiction as non-Indian owned businesses.

F-11. Superfund Sites—As a result of Federal OSHA Instruction CPL 2, dated February 8, 1988, OR-OSHA has assumed jurisdiction for private sector employees, as well as public sector employees, at most Superfund Sites in the State of Oregon.

Federal OSHA also maintains jurisdiction for all Superfund Sites on U.S. military reservations. Federal OSHA approved this change in the September 14, 1997 **Federal Register** (62 FR 49908-49910).

Dated: December 18, 1998.

Richard Terrill,

*Regional Administrator, Occupational Safety and Health Administration, Department of Labor.*

Dated: December 23, 1998.

**Peter DeLuca,**

*Administrator, Oregon Occupational Safety and Health Division, Department of Consumer and Business Services.*

[FR Doc. 99-199 Filed 1-5-99; 8:45 am]

BILLING CODE 4510-26-P

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## NATIONAL COUNCIL ON DISABILITY

### Sunshine Act Meeting; Quarterly Meeting and Public Hearing

AGENCY: National Council on Disability.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting and public hearing of the National Council on Disability. Notice of this meeting is required under Section 522b(e)(1) of the Government in the Sunshine Act, (Pub. L. 94-409).

*Quarterly Meeting Dates:* February 22-24, 1999, 8:30 a.m. to 5 p.m.

*Location:* Hyatt Regency Louisville Hotel, 320 West Jefferson, Louisville, Kentucky; 502-587-3434.

*For Information, Contact:* Mark S. Quigley, Public Affairs Specialist, National Council on Disability, 1331 F Street NW, Suite 1050, Washington, DC 20004-1107; 202-272-2004 (Voice), 202-272-2074 (TTY), 202-272-2022 (Fax).

*Agency Mission:* The National Council on Disability is an independent federal agency composed of 15 members appointed by the President of the United States and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature or severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

*Accommodations:* Those needing interpreters or other accommodations should notify the National Council on Disability prior to this meeting.

*Environmental Illness:* People with environmental illness must reduce their exposure to volatile chemical substances in order to attend this meeting. In order to reduce such exposure, we ask that you not wear perfumes or scents at the meeting. We also ask that you smoke only in designated areas and the privacy of your room. Smoking is prohibited in the meeting room and surrounding area.

*Open Meeting:* This quarterly meeting and public hearing of the National Council on Disability will be open to the public.

*Agenda:* The proposed agenda includes: Reports from the Chairperson and the Executive Director.

Committee Meetings and Committee Reports  
Executive Session (closed)  
Unfinished Business  
New Business  
Announcements  
Adjournment

Records will be kept of all National Council on Disability proceedings and will be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on January 4, 1999.

**Ethel D. Briggs,**

*Executive Director.*

[FR Doc. 99-271 Filed 1-4-99; 12:20 pm]

BILLING CODE 6820-MA-M

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## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; Leadership Initiatives Advisory Panel Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Panel (Millennium Projects category) to the National Council on the Arts will be held on January 19, 1999. The panel will meet by teleconference from 1 p.m. to 2:10 p.m. in Room 514 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW, Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 14, 1998, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5691.