

Occupational Safety and Health Standards for Shipyard Employment; 1917, Marine Terminals; and 1918, Safety and Health Regulations for Longshoring, with the exception of 1917.27(a)(2), concerning the percentage of oxygen in IDLH atmospheres (Oregon requires 19.5%), and 1918.93(d), on hiring (Oregon added provisions required by the Americans with Disabilities Act). Oregon also retained two additional State-initiated rules, concerning fall protection for line handling in Marine Terminals, and the weight of containerized cargo in Longshoring. In addition, Oregon adopted references to other Oregon standards that apply to maritime activities: OAR 437, Division 1, General Administrative Rules; 1910.95, Occupational Noise Exposure; 1910.147, Control of Hazardous Energy (Lockout/Tagout); OAR 437-02-161, Medical and First Aid; OAR Division 2/L, Fire Protection and OAR 437-02-182, Fire Fighters; OAR 437, Division 2/N, OAR 437-02-228 through 235 and 1910.179 through .184 pertaining to Cranes; OAR 437, Division 1, General Provisions; OAR 437, Division 2/M, Compressed Gas and Compressed Air Equipment and OAR 437-02-223, Commercial and Industrial Trucks. The State of Oregon also adopted the following additional and preexisting State standards for shipyard employment: OAR 437-05-025, Ladders to Docks; OAR 437-04-030, Air Contaminants, in lieu of 1915.1000; OAR 437-05-0035, Additional Asbestos Rules; OAR 437-05-040, Rules for MOCA (4,4'-Methylene Bis (2-chloroaniline)); OAR 437-04-045, Amendment to 1915.1029(j)(1)(ii) for Benzene to require that pipes be labeled and OAR 437-05-050, Rules for Pipe Labeling. The State rules were adopted on September 24, 1992, effective November 1, 1992, under Oregon Administrative Order 9-1992. The State standards originally received **Federal Register** approval (40 FR 58704) on December 18, 1975. Before approval of this State-initiated change was made, the State in response to Federal standard changes published in the **Federal Register** (58 FR 35512) on July 1, 1993, submitted by letter dated January 20, 1994, from John A. Pompei, administrator, to James W. Lake, Regional Administrator, State standards comparable to 1915.5, 1915.12(a)(3) & (b)(3), 1915.99 and 1915 Subpart Z (except in lieu of 1915.1000, the State has its equivalent standard, OAR 437-05-030). The State rules were adopted and effective December 29, 1993, under Administrative Order 19-1993.

2. *Decision.* OSHA has determined that the State standards for Division 5, Maritime Activities (Shipyard Employment, Marine Terminals, and Longshoring), as amended through December 29, 1993, are at least as effective as the comparable Federal standards, as required by Section 18(c)(2) of the Act. These standards have been in effect since December 29, 1993. During that time OSHA has received no indication of significant objection to the State's different standard either as to its effectiveness in comparison to the Federal standard or as to its conformance with the product clause requirements of section 18(c)(2) of the Act. (A different State standard applicable to a product which is distributed or used in interstate commerce must be required by compelling local conditions and not unduly burden interstate commerce.) OSHA therefore approves these standards; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary. The State standards were adopted pursuant to ORS 654.025(2), ORS 656.726(3) and ORS 183.335.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington 98101-3212; Oregon Occupational Safety and Health Division, Department of Consumer and Business Services, Salem, Oregon 97310; and the Office of State Programs, Occupational Safety and Health Administration, Room N-3476, 200 Constitution Avenue, NW, Washington, D.C. 20210. An electronic copy of this **Federal Register** notice may be obtained from the OSHA home page, <http://www.osha.gov>.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards amendments are at least as effective as the federal standards which were promulgated in accordance with the federal law including meeting requirements for public participation.

2. The standards amendments were adopted in accordance with the procedural requirements of State law and further public participation would be repetitious.

This decision is effective January 4, 1999. (Sec. 18, Pub. L. 91-596, 84 STAT. 6108 [29 U.S.C. 667])

Signed at Seattle, Washington, this 16th day of October 1998.

Richard S. Terrill,

Acting Regional Administrator.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Washington State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of State standards that are at least as effective as comparable Federal standards promulgated under Section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required.

In response to a Federal standard change, the State submitted by letter dated September 2, 1994, from Mark O. Brown, Director, to James W. Lake, Regional Administrator, a state standard amendment comparable to 29 CFR 1910.1200, 1926.59, 1915.1200, 1917.28, 1918.90 and 1928.21(a)(5), Hazard Communication for General Industry, Construction, Maritime and Agriculture, as published in the **Federal Register** on

February 9, 1994 (59 FR 6126). The state standards were adopted by Administrative Order 94-08 on August 3, 1994, with an effective date of September 12, 1994. The major difference is that there is no exemption for nuisance particulates. Employers must also follow the state's permissible exposure limits (PELS) for evaluation of employee exposures and training, not the ones listed on a material safety data sheet. A review of the standard revealed discrepancies and the submission was returned to the State for correction. On November 17, 1995, the state submitted by letter from Mark O. Brown, Director, to Richard S. Terrill, Acting Regional Administrator, corrections to the discrepancies and state standard amendments in response to the federal Hazard Communication standard amendments published in the **Federal Register** on December 22, 1994 (59 FR 65947). The state standard amendments were adopted by Administrative Order 94-19 on October 20, 1995, effective January 16, 1996. A review of the amendments revealed discrepancies and the submission was returned to the State for correction. On July 10, 1997, the state submitted by letter from Gary Moore, Director, to Richard S. Terrill, Acting Regional Administrator, the requested corrections. The corrections were adopted by Administrative Order 96-15 on May 20, 1997, effective August 1, 1997. The state standards are contained in WAC 296-62-054.

In response to a Federal standard change, the state submitted by letter dated October 14, 1994, from Mark O. Brown, Director, to James W. Lake, Regional Administrator, state standard amendments comparable to 29 CFR 1910.137, Electrical Protective Equipment, as published in the **Federal Register** on January 31, 1994 (59 FR 4435) and 29 CFR 1910.135, Head Protection, as published in the **Federal Register** on April 6, 1994 (59 FR 16362). The state standards were adopted by Administrative Order 94-16 on September 30, 1994, effective November 20, 1994. A review of the standard revealed discrepancies and the submission was returned to the State for correction. On May 8, 1996, the state submitted by letter from Mark O. Brown, Director, to Richard S. Terrill, Acting Regional Administrator, the requested corrections and the standards are contained in WAC 296-24-084 and WAC 296-24-092. The change was adopted by Administrative Order 96-01 on April 10, 1996, effective June 1, 1996. The original state standard for Head Protection, WAC 296-24-084,

received approval on January 30, 1976 (41 FR 4689).

In response to Federal standard changes, the state submitted by letter dated July 10, 1997, from Gary Moore, Director to Richard S. Terrill, Acting Regional Administrator, a state standard amendment comparable to 29 CFR 1910.133(a)(1), (a)(2), (a)(3) & (a)(5), Eye and Face Protection, 1910.135(a)(1) & (a)(2), Head Protection and 1910.136(a), Foot Protection as published in the **Federal Register** on May 2, 1996 (61 FR 19548) and May 9, 1996 (61 FR 21228). The state standards are contained in WAC 296-24-078, WAC 296-24-084 and WAC 296-24-088, and were adopted by Administrative Order 96-15 on May 20, 1997, effective August 1, 1997. The original state standards for Eye and Face Protection, Head Protection and Foot Protection received approval on January 30, 1976 (41 FR 4689).

In response to a Federal standard change, the state submitted by letter dated October 17, 1997, from Gary Moore, Director, to Richard S. Terrill, Acting Regional Administrator, a state standard comparable to 29 CFR 1910.1051, 1910.1000, Table Z-1, 1915.1000, 1926.55 and 1910.19, 1,3-Butadiene, as published in the **Federal Register** on November 4, 1996 (61 FR 56745). The state standard amendment was adopted on September 5, 1997, effective November 5, 1997, under Washington Administrative Order 97-07. The state standards are contained in WAC 296-62-07460.

In response to a Federal standard change, the state submitted by letter dated October 20, 1997, from Gary Moore, Director, to Richard S. Terrill, Acting Regional Administrator, a state standard comparable to 29 CFR 1910.19(m), 1910.1000, 1910.1052, 1915.1052, 1926.55 and 1926.1152, Methylene Chloride, as published in the **Federal Register** on January 10, 1997 (62 FR 1494). The state standard amendment was adopted on September 2, 1997, effective December 1, 1997, under Washington Administrative Order 97-08. The state standards are contained in WAC 296-62-07470.

In a response to Federal standard changes, the State has submitted by letter dated November 26, 1997, from Michael A. Silverstein, M.D., Assistant Director, to Richard S. Terrill, Acting Regional Administrator, State standards comparable to 29 CFR 1910.272, Grain Handling Facilities as published in the **Federal Register** (61 FR 9577) on March 8, 1996. The state standard amendment was adopted on November 3, 1997, effective January 1, 1998, under Washington Administrative Order 96-

17. The main difference is that the State standard is written in plain language format. The state standards are contained in WAC 296-99.

In response to Federal standard changes, the State has submitted by letter dated April 3, 1998, from Michael A. Silverstein, Assistant Director, to Richard S. Terrill, Acting Regional Administrator, a State standard comparable to the Federal standard, 1926.450, 1926.451, 1926.452, 1926.453, 1926.454 and Appendix A, C, D and E, Scaffolds, published in the **Federal Register** (61 FR 46026) on August 30, 1996. The State standard was adopted on February 13, 1998, effective April 15, 1998, under Administrative Order 97-10. The state standards are contained in WAC 296-155-481 through 498.

On its own initiative, the State of Washington has submitted by letter dated February 8, 1991, from Joseph A. Dear, Director, to James W. Lake, Regional Administrator, a State standard for Crane and Derrick Suspended Personnel (Work) Platforms. The State's submission was adopted on January 10, 1991, effective February 12, 1991, under Washington Administrative Order 90-18. A review of the standard revealed discrepancies and the submission was returned to the State for correction. On May 16, 1996, the State submitted a corrective amendment that made the changes requested. This submission was adopted on April 10, 1996, effective June 1, 1996, under Washington Administrative Order 96-01. The major difference is the broader scope: the standard applies not just to construction industry employers, but to all employers who use cranes and derricks. The State standard is contained in WAC 296-24-23533. The original state standard for Overhead and Gantry Cranes, WAC 296-24-235, received approval on January 26, 1973 (38 FR 2421).

On its own initiative, the State of Washington has submitted by letter dated September 7, 1995, from Mark O. Brown, Director, to Richard S. Terrill, Acting Regional Administrator, corrections to the Safety Standards for Cranes and Derricks used in Construction, WAC 296-155-525. The State's submission was adopted on August 8, 1995, effective September 25, 1995, under Washington Administrative Order 95-04. The state added definitions and an appendix from applicable ANSI/ASME standards. A review of the standard revealed discrepancies and the submission was returned to the State for correction. On June 27, 1997, the State submitted a corrective amendment that made the requested changes. This submission was adopted on May 20, 1997, effective

August 1, 1997, under Washington Administrative Order 96-15. The original state standard for Cranes and Derricks in Construction, WAC 296-155-525, received approval on February 9, 1982 (47 FR 5956).

On its own initiative, the State of Washington has submitted by letter dated January 26, 1998, from Michael A. Silverstein, Assistant Director, to Richard S. Terrill, Acting Regional Administrator, a state standard change to Chapters 296-62-11015 WAC and 296-24-675 WAC, Safe Practices of Abrasive Blasting Operations. The amendments to Chapter 296-24-675 incorporates similar language on abrasive blasting found in Chapter 296-62-11015, and simplifies or clarifies this language. The requirements in Chapter 296-62 were deleted and a reference is made to the new consolidated standard in Chapter 296-24. The State's submission was adopted on December 26, 1997, effective March 1, 1998, under Washington Administration Order 98-18. The original state standards received approval on August 17, 1976 (41 FR 34837).

On its own initiative, the State submitted by letter dated February 27, 1998, from Michael A. Silverstein, Assistant Director, to Richard S. Terrill, Acting Regional Administrator an amendment to their standard for Guarding of Abrasive Wheel Machinery, WAC 296-24-18005. The amendment was made to incorporate a previously approved Washington Regional Directive 6.69 which was adopted in response to OSHA Directive STD 1-12.26A. The State amendment was adopted on December 31, 1997, effective January 31, 1998, under Washington Administrative Order 97-22. The original state standard received approval on June 4, 1976 (41 FR 22655).

The administrative orders were adopted pursuant to RCW 34.04.040(2), 49.17.040, 49.17.050, Public Meetings Act RCW 42.30, Administrative Procedures Act RCW 34.04, and the State Register Act RCW 34.08.

2. *Decision.* OSHA has determined that the State standards amendments for Electrical Protective Equipment, Head Protection, Eye and Face Protection, Foot Protection, 1,3-Butadiene, Methylene Chloride, Abrasive Blasting, Guarding of Abrasive Wheel Machinery, Scaffolds, Grain Handling, Hazard Communication (1996-1997 changes), Cranes and Derricks (1997 change), and Crane and Derrick Suspended Personnel Platforms (1998 change) are at least as effective as the comparable Federal standards, as required by Section 18(c)(2) of the Act. OSHA has also

determined that the differences between these State and Federal standards amendments are minimal and that the amendments are thus substantially identical. OSHA has determined that the earlier State standard amendments for Hazard Communication, Crane and Derrick Suspended Personnel Platforms and Cranes and Derricks are at least as effective as the comparable Federal standard, as required by Section 18(c)(2) of the Act. The Hazard Communication amendment has been in effect since September 12, 1994, the Crane and Derrick Suspended Platforms amendment has been in effect since February 12, 1991, and the Crane and Derrick standard amendments have been in effect since September 25, 1998. During this time OSHA has received no indication of significant objection to the State's different standards either as to their effectiveness in comparison to the Federal standard or as to their conformance with the product clause requirements of section 18(c)(2) of the Act. (A different State standard applicable to a product which is distributed or used in interstate commerce must be required by compelling local conditions and not unduly burden interstate commerce.) OSHA, therefore approves these standards amendments; however, the right to reconsider this approval is reserved should substantial objections be submitted to the Assistant Secretary.

3. *Location of Supplement for Inspection and Copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington 98101-3212; State of Washington Department of Labor and Industries, Division of Industrial Safety and Health, 7273 Linderson Way, S.W., Tumwater, Washington 98501; and the Office of State Programs, Occupational Safety and Health Administration, Room N-3476, 200 Constitution Avenue, NW, Washington, D.C. 20210. For electronic copies of this **Federal Register** notice, contact OSHA's Web Page at <http://www.osha.gov/>.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional

Administrator's approval effective upon publication for the following reasons:

1. The standard amendments are as effective as the Federal standards which was promulgated in accordance with the Federal law including meeting requirements for public participation.

2. The standard amendments were adopted in accordance with the procedural requirements of State law and further public participation would be repetitious.

This decision is effective January 4, 1999. (Sec. 18, Pub. L. 91-596, 84 STAT. 6108 [29 U.S.C. 667])

Signed at Seattle, Washington, this 16th day of October, 1998.

Richard S. Terrill,

Acting Regional Administrator.

[FR Doc. 98-34742 Filed 12-31-98; 8:45 am]

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MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, January 14, 1999 and Friday 15, 1999 at the Crowne Plaza Hotel, 14th K Streets, NW, Washington, DC. The meeting is tentatively scheduled to begin at 9:00 a.m. on January 14, and at 10:00 a.m. on January 15.

The Commission will discuss draft chapters and recommendations for its March 1999 report on Medicare payment policy. Topics to be addressed include the Medicare+Choice program and payments for inpatient and outpatient hospital services, post-acute care facilities, physician services and dialysis. The Commission will also continue its discussion of graduate medical education and the Medicare program.

Agendas will be mailed on January 7, 1999. The final agenda will be available on the Commission's web sites (WWW.MedPAC.GOV).

ADDRESSES: MedPAC's address is: 1730 K Street, NW, Suite 800, Washington, DC 20006. The telephone number is 202/653-7220.

FOR FURTHER INFORMATION CONTACT: Diane Ellison, Office Manager, 202/653-7220.

SUPPLEMENTARY INFORMATION: If you are not on the Commission mailing list and