

Office of General Counsel

Nelson E. Schmidt
Associate Counsel

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NIOSH

3M

January 7, 1988

NIOSH Docket Officer
National Institute for Occupational Safety and Health
Mail Stop E-23
1600 Clifton Road N.E.
Atlanta, Georgia 30333

Re: 42 CFR Part 84 Proposed Rule, Notice of Intent to
Appear

Dear Sir:

Pursuant to the notice published in the Federal Register on Thursday, October 8, 1987 (52 Fed. Reg. 37639 et. seq.) inviting interested parties to participate in an informal public meeting with respect to the proposed rule pertaining to a revision of tests and requirements for certification of permissibility of respiratory protective devices used in mines and mining, 42 CFR Part 84, the Minnesota Mining and Manufacturing Company (3M) hereby submits its Notice of Intent to Appear at the public meeting to be conducted in Washington, D.C. on January 27, 1988. Those presenting 3M's comments will be:

David J. Kolander
Marketing Director
3M Occupational Health and Safety Products Division
3M Center
St. Paul, Minnesota 55144-1000

Donald P. Wilmes
Senior Specialist, Regulatory Affairs
3M Occupational Health and Safety Products Division
3M Center
St. Paul, Minnesota 55144-1000

Further, in addition to the undersigned, Peter Nash, Esquire, Ogletree, Deakins, Nash, Smoak & Stewart, Suite 230, 1200 New Hampshire Ave. N.W., Washington, D.C. 20036 will be present as 3M's counsel during these proceedings.

**Minnesota Mining and
Manufacturing Company**

PO Box 33428
St. Paul, Minnesota 55133
612/733 7067
612/736 9469 Facsimile

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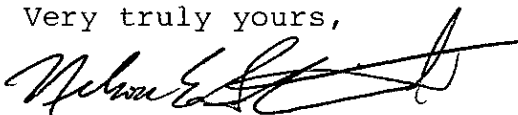
In addition to commenting on various aspects of the proposed rule, 3M will focus its remarks on two issues. The first deals with the negative economic impact the proposed rule will precipitate on small and unsophisticated (in the use and knowledge of respirators) employers by restricting if not eliminating economical respiratory protection which is currently available to them. The second issue relates to the bigger, bulkier and less comfortable respirators the proposed rule will force respiratory manufacturers to produce in order to gain NIOSH certification, and the impact these new devices will have on reducing respirator wear time and thus protection to respiratory wearers.

In accordance with NIOSH's request that oral presentations be limited to 15 minutes, if possible, 3M will attempt to restrict its comments to that time period. Nevertheless, 3M requests that, if necessary, additional time be given in order to meaningfully and effectively present its views and comments. Additionally, 3M requests that participants be allowed to question presentors in order to fully explore their testimony and provide a complete, thorough discussion of all issues in the record from which the final rule will be promulgated.

Finally, 3M's participation in these public meetings does not constitute a departure from positions previously stated with respect to its request that this entire proceeding be halted and that the Secretary recall the proposed rule on the basis that meaningful, constructive comments cannot be submitted without further explanation by NIOSH of the proposed rule (see my prior correspondence to Mr. John Moran dated September 8, 1987, correspondence to Nelson Leidel dated November 2, 1987 and 3M's Comments to the Record dated December 22, 1987).

If any further information is needed with respect to 3M's Intent to Appear, please contact the undersigned at your convenience.

Very truly yours,



Nelson E. Schmidt

NES:dlg