

84-154

Office of General Counsel

Nelson E. Schmidt

Associate Counsel

RECEIVED

1988 FEB -8 PM 5: 27

NIOSH

3M

February 3, 1988

Dr. Nelson Leidel
Docket Officer
National Institute for Occupational Safety and Health
Mail Stop D-37
1600 Clifton Road N.E.
Atlanta, GA 30333

Re: 42 CFR 84 Hearings

Dear Dr. Leidel:

At the conclusion of the public meetings held in Washington, D.C. on January 27 and 28, 1988 it was stated that the record would remain open for thirty (30) days to allow for the submission of post-hearing comments. We have recently been informed, however, that the transcript taken at these hearings will not be available until at least fifteen (15) of these thirty (30) days have passed. As a consequence, in order to allow for adequate review of the information which was submitted into the record at these hearings, 3M requests that the comment period be extended for not less than sixty (60) days.

In addition, 3M understands that the comments from as many as thirty-nine parties are not included in the record on the basis that they were received after the deadline of December 28, 1987. Due to the delays in mail delivery experienced during the holiday season, 3M submits that it would indeed be a travesty of justice if NIOSH were to take the position that these comments would be excluded from the record and not considered. Notwithstanding NIOSH's ultimate ruling on this issue, 3M requests it be given the opportunity to make copies of these documents so that we can benefit from the views expressed by these parties on this very important and critical NIOSH proposed rule.

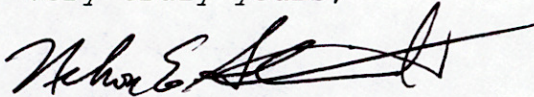
**Minnesota Mining and
Manufacturing Company**

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

Dr. Nelson Leidel
February 4, 1988
Page Two

I would appreciate your responding to the issues contained in this letter at your earliest convenience. If there are any questions with respect to the matters discussed herein please contact the undersigned at your convenience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nelson E. Schmidt", with a long horizontal flourish extending to the right.

Nelson E. Schmidt

NES:dlg