

The last notification was filed with the Department on March 10, 1997. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 14, 1997 (62 FR 26569).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 97-19311 Filed 7-22-97; 8:45 am]

BILLING CODE 4410-11-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. H-372]

RIN: 1218-AB58

#### Standards Advisory Committee on Metalworking Fluids

**AGENCY:** Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

**ACTION:** Notice of establishment and appointment of members to the Metalworking Fluids Standards Advisory Committee.

**SUMMARY:** The Secretary of Labor has established a committee to advise the Assistant Secretary for the Occupational Safety and Health Administration (OSHA) on the appropriate action(s) to take to protect workers from the hazards associated with occupational exposure to metalworking fluids. This standards advisory committee will provide collective expertise not otherwise available to the Secretary to address the complex and sensitive issues involved. Those chosen to serve on this committee have been drawn from industry, labor, professional organizations, academia and government agencies. The committee members represent those interested in, or significantly affected by, any action the Agency may take as a result of this inquiry.

**ADDRESSES:** Any written comments in response to this notice should be sent to the following address: U.S. Department of Labor, OSHA, Directorate of Health Standards Programs, Metalworking Fluids Advisory Committee, Room N-3718, 200 Constitution Avenue, NW, Washington, D.C. 20210. Phone: (202) 219-7111.

**FOR FURTHER INFORMATION CONTACT:** Dr. Peter Infante, Directorate of Health Standards Programs, Office of Standards Review, OSHA, (202) 219-7111.

**SUPPLEMENTARY INFORMATION:** In December 1993, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW) petitioned OSHA to

take emergency regulatory action to protect workers from the risks of occupational cancers and respiratory illnesses associated with exposure to metalworking fluids. Occupational exposure to metalworking fluids was identified by the Agency and its stakeholders as an issue worthy of Agency action during OSHA's Priority Planning Process in 1994. Subsequently, the National Advisory Committee on Occupational Safety and Health (NACOSH) recommended that OSHA form a Standards Advisory Committee (SAC) to address the health risks caused by occupational exposure to metalworking fluids. The Assistant Secretary accepted the recommendation of NACOSH. On August 29, 1996 OSHA published a **Federal Register** notice of intent to form a Standards Advisory Committee for Metalworking Fluids and asked the public for recommendations of individuals with suitable experience or expertise to serve on this advisory committee (61 FR 45459).

Section 7(b) of the Occupational Safety and Health Act requires that advisory committees have a balanced membership, including individuals appointed to represent the interests of affected employers and employees, as well as Federal and State safety and health organizations and professional organizations.

#### Committee Membership

Appointees to the committee include representatives from labor, industry, academia and government agencies. The appointees represent groups interested in, or affected by, the outcome of this proceeding. The following is a list of Committee members and their affiliations.

##### *Employee Representatives*

David Day—International Association of Machinists and Aerospace Workers  
James Frederick—United Steelworkers of America  
Arthur McGee—Local Union 599 of the United Automobile, Aerospace and Agricultural Implement Workers of America  
Frank Mirer—The United Automobile, Aerospace and Agricultural Implement Workers of America  
David Wegman—University of Massachusetts Lowell, Department of Work Environment

##### *Industry Representative*

David Burch—Precision Machined Products Association  
John Cox—National Tooling & Machining Association  
John Howell—Castrol Industrial North America, Inc.

Henry Lick—Ford Motor Company  
Frank White—Organization Resources Counselors, Inc.

##### *Federal and State Representatives*

Henry Anderson—Wisconsin Bureau of Public Health  
Dennis O'Brien—National Institute for Occupational Safety and Health

##### *Academic/Professional Representatives*

Maura Sheehan (Chairperson)—West Chester University, Department of Health  
Lee Newman—National Jewish Center for Immunology and Respiratory Medicine  
Daniel Teitelbaum—Medical Toxicology & Occupational Medicine Corporation

##### *Alternative Representatives*

These persons will serve on the Committee should one of the members listed above be unable to complete his or her term.

For Employees:

William Shortell—Connecticut Council on Occupational Safety and Health

For Industry:

Kenneth Kushner—The Timken Company

#### Public Participation

Interested persons are invited to attend and participate in the Committee's meetings. These meetings will be announced by notice in the **Federal Register**.

**Authority:** This document was prepared under the direction of Greg Watchman, Acting Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210, pursuant to Sections 6(b)(1) and (7)(b) of the Occupational Safety and Health Act of 1970, the Federal Advisory Committee Act, 5.U.S.C.App.2, and 29 CFR 1911.11.

Signed at Washington, D.C., this 17th day of July, 1997.

**Greg Watchman,**

*Acting Assistant Secretary of Labor.*

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BILLING CODE 4510-26-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### New Mexico 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 December 10, 1975, notice was published in the **Federal Register** (40 FR 57455) of the approval of the New Mexico State Plan and the adoption of Subpart DD to Part 1952 containing the decision.

The New Mexico State Plan provides for the adoption of Federal standards as State standards after:

1. Notice of public hearing published in a newspaper of general circulation in the State at least sixty (60) days prior to the date of such hearing.
2. Public hearing conducted by the Environmental Improvement Board.
3. Filing of adopted regulations, amendments, or revocations under the State Rules Act.

The New Mexico State Plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under Section 6 of the Act.

#### Identical Standards

By letter dated July 26, 1994, from Sam A. Rogers, Bureau Chief, to Gilbert J. Saulter, former Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to Federal standards as follow: Amendment to 1910.1200, 1926.59, and 1928.25, Hazard Communication (59 FR 6169-6184, dated 2/9/94); Amendment to 1910, Subpart I, Personal Protective Equipment, Subpart R, Special Industries, and Subpart S, Electrical (59 FR 4435-4476, dated 1/31/94); Amendment to 1910, Subpart I, Personal Protective Equipment (59 FR 16360-16364, dated 4/6/94); and Amendment to 1926, Subpart Z, Toxic and Hazardous Substances (59 FR 215, dated 1/3/94).

These standards, contained in New Mexico Occupational Health and Safety Regulations OHSR 200 (General Industry), OHSR 300 (Construction), and OHSR 400 (Agriculture), were promulgated on July 8, 1994 and July 9, 1994, in accordance with applicable State law.

The subject standards became effective August 13, 1994, and August 21, 1994, pursuant to New Mexico State Law, Sections 50-9-1 through 50-9-25.

By letter dated July 11, 1995, from Sam A. Rogers, Bureau Chief, to Emzell Blanton, Jr., Regional Administrator, and incorporated as part of the plan, New Mexico submitted documentation pertaining to the recodification of its Occupational Health and Safety Regulations. General Industry standards are now codified as 11 NMAC 5.2 [formerly OHSR 200]; Construction Industry standards are now codified as 11 NMAC 5.3 [formerly OHSR 300]; and Agriculture standards are now codified as 11 NMAC 5.4 [formerly OHSR 400]. In addition, the State submitted State standards identical to Federal standards as follow: Amendments to 1910.19, Special Provisions for Air Contaminants (59 FR 41057, dated 8/10/94); Amendments to 1910.120, Hazardous Waste Operations and Emergency Response (59 FR 43270-43275, dated 8/22/94); Addition of 1910.266, Logging Operations (50 FR 51741-51748, dated 10/12/94); Amendments to 1910.269, Electric Power Generation, Transmission, and Distribution, and Electric Protective Equipment (59 FR 33660-33664, dated 6/30/94; 59 FR 40729, dated 8/9/94; and 59 FR 51748, dated 10/12/94); Amendments to 1910.1001, Occupational Exposure to Asbestos (59 FR 41057-41080, dated 8/10/94); Addition of 1910.1201, Retention of DOT Markings, Placards, and Labels (59 FR 36700, dated 7/19/94); Addition of 1926.61, Retention of DOT Markings, Placards, and Labels (59 FR 36700, dated 7/19/94); Amendments to 1926.65, Hazardous Waste Operations and Emergency Response (59 FR 43275-43280, dated 8/22/94); Amendments to 1926, Safety Standards for Fall Protection in the Construction Industry (Subpart E (Means of Egress), Subpart H (Materials Handling, Storage, Use, and Disposal), Subpart M (Fall Protection), Subpart N (Cranes, Derricks, Hoists, Elevators, and Conveyors), Subpart P (Excavations), and Subpart V (Power Transmission and Distribution)) (59 FR 40729-40753, dated 8/9/94); Amendments to 1926.1101, Occupational Exposure to Asbestos (59 FR 41131-41162, dated 8/10/94); and Amendment to 1928.21, Applicable Standards in 29 CFR Part 1910 (59 FR 36700, dated 7/19/94, and 59 FR 51748, dated 10/12/94).

These standards, contained in New Mexico Occupational Health and Safety Regulations 11 NMAC 5.2, 11 NMAC 5.3, and 11 NMAC 5.4, were promulgated on April 21, 1995, in accordance with applicable State law.

The subject standards became effective May 26, 1995, pursuant to New Mexico State Law, Sections 50-9-1 through 50-9-25.

By letter dated June 18, 1996, from Sam A. Rogers, Bureau Chief, to Emzell Blanton, Jr., Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to Federal standards as follow: 29 CFR 1910, General Industry Standards, with Federal promulgation date through July 1, 1995; Amendment to 1910.266, Logging Operations (60 FR 47035-47037, dated 9/8/95); Amendment to 1910.1025, Lead (60 FR 52859, dated 10/11/95); Amendment to 1910.272, Grain Handling Facilities (61 FR 9583-9584, dated 3/8/96); Amendments to 1910.133, Eye and Face Protection, 1910.135, Hand Protection, and 1910.136, Foot Protection (61 FR 19548, dated 5/2/96); 29 CFR 1926, Construction Standards, through July 1, 1995; and Corrections to 1926.1101, Asbestos (60 FR 36044, dated 7/13/95, and 60 FR 50411-50413, dated 9/29/95).

These standards, contained in New Mexico Occupational Health and Safety Regulations 11 NMAC 5.2 and 11 NMAC 5.3, were promulgated on June 14, 1996, in accordance with applicable State law.

The subject standards became effective July 15, 1996, pursuant to New Mexico State Law, Sections 50-9-1 through 50-9-25.

By letter dated February 17, 1997, from Sam A. Rogers, Bureau Chief, to Emzell Blanton, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to Federal standards as follow: Correction to 1910.136, Foot Protection (61 FR 21228, dated 5/9/96); Amendment to 1910.1001, Asbestos (61 FR 43457, dated 8/23/96); Amendments to 1910.19, Special Provisions for Air Contaminants, Amendments to 1910.1000, Air Contaminants, and Addition of 1910.1052, Methylene Chloride (62 FR 1600-1618, dated 1/10/97); Corrections to 1926.416, General Requirements, and 1926.417, Lockout and Tagging of Circuits (61 FR 41738-41739, dated 8/12/96); Amendment to 1926.1101, Asbestos (61 FR 43458-43459, dated 8/23/96); Amendment and Corrections to 1926, Subpart L, Scaffolding (61 FR 46104-46131, dated 8/30/96, and 61 FR 59831-59832, dated 11/25/96); and Addition of 1926.1152, Methylene Chloride (62 FR 1619, dated 1/10/97).

These standards, contained in New Mexico Occupational Health and Safety Regulations 11 NMAC 5.2 and 11 NMAC 5.3, were promulgated on February 14, 1997, in accordance with applicable State law.

The subject standards became effective March 16, 1997, pursuant to

New Mexico State Law, Sections 50-9-1 through 50-9-25.

### Substantially Identical Standards

By letter dated October 2, 1986, from Sam A. Rogers, Bureau Chief, to Gilbert J. Saulter, former Regional Administrator, and incorporated as part of the plan, the State submitted OHS Regulation 402, Field Sanitation, which adopted OSHA's proposed 1984 Field Sanitation standard. The State standard was promulgated on June 12, 1986, and went into effect on July 23, 1986, pursuant to New Mexico State Law, Sections 50-9-1 through 50-9-25.

In May 1987, OSHA published a final Field Sanitation standard, 29 CFR 1928.110, which extended coverage to mushroom harvesting operations, and added a training requirement provision. On October 26, 1987, in response to OSHA's revised standard, the State resubmitted its earlier version of the Field Sanitation standard, and was informed that the mushroom harvesting and training requirement provisions of the standard must be addressed either by amending the standard, or through administrative action.

On February 5, 1993, New Mexico submitted documentation attesting to the fact that there is no mushroom harvesting industry in the State, and that the training requirements have been implemented through administrative action.

### Independent State Standard

By letter dated October 2, 1986, from Sam A. Rogers, Bureau Chief, to Gilbert J. Saulter, former Regional Administrator, New Mexico submitted a State-initiated standard on Hoes for Weeding and Thinning Crops, OHSR 401. The standard was promulgated on June 12, 1986, and went into effect on July 23, 1986, in accordance with New Mexico State Law, sections 50-9-1 through 50-9-25. The standard prohibits the use of a hoe with a handle less than four feet in length for weeding and thinning crops, based on the existence of other practical and adequate alternatives to the use of these short-handled hoes. There are no comparable Federal standards or compliance policies that would apply to the conditions regulated by New Mexico under this standard.

2. *Decision.* Having reviewed the State submissions [dated 7/26/94; 7/11/95; 6/18/96; and 2/17/97] in comparison with the Federal standards, it has been determined that the State's standards are identical to the comparable Federal standards, and are accordingly approved. OSHA has also determined that the State's recodified standards at

11 NMAC 5.2 (General Industry), 11 NMAC 5.3 (Construction), and 11 NMAC 5.4 (Agriculture), are identical to the comparable Federal standards, and therefore approves the standards.

OSHA has determined that New Mexico's Field Sanitation standard is at least as effective as the comparable Federal standard, as required by section 18(c)(2) of the Act. OSHA has determined that the differences between the State and Federal standards are minimal, and that the standards are "substantially identical." OSHA therefore approves this standard.

OSHA has reviewed New Mexico's independent standard for Tools for Weeding and Thinning Crops in comparison to existing OSHA enforcement policies and procedures, and has determined that the standard is at least as effective. This standard has been in effect since July 23, 1986. During this time, OSHA has received no indication of significant objection to the State's independent standard, as to its conformance with the product clause requirements of section 18(c)(2) of the Act. [Previously, after an opportunity for public comment, OSHA approved the State of Arizona's standard, Hoes for Weeding and Thinning Crops (51 FR 17684).] OSHA therefore approves New Mexico's standard, Tools for Weeding and Thinning Crops. 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, U.S. Department of Labor-OSHA, 525 Griffin Street, Room 602, Dallas, Texas 75202; Office of the Secretary, Environment Department, 1190 St. Francis Drive, Room 2200-North, Santa Fe, New Mexico 87503; and the Office of State Programs, 200 Constitution Avenue, N.W., Room N3700, Washington, D.C. 20210.

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 supplements to the New Mexico State Plan as proposed changes, and making the Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of State law, which

included public comment, and further public participation would be repetitious.

The decision is effective July 23, 1997.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Dallas, Texas, this twenty-fifth day of February 1997.

**Emzell Blanton, Jr.,**

*Regional Administrator.*

[FR Doc. 97-19364 Filed 7-22-97; 8:45 am]

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## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### Sunshine Act Meeting

July 17, 1997.

**TIME AND DATE:** 10: a.m., Thursday, July 24, 1997.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will hear oral argument on the following:

1. *Medusa Cement Co. v. Secretary of Labor*, Docket Nos. PENN 97-20-RM, etc. (Whether the administrative law judge should have recused himself because of bias against counsel for the operator).

**TIME AND DATE:** Immediately following oral argument, Thursday, July 24, 1997.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

**STATUS:** Closed [Pursuant to 5 U.S.C. § 552b(c)(10)].

**MATTERS TO BE CONSIDERED:** It was determined by a unanimous vote of the Commissioners that the Commission consider and act upon the following in closed session:

1. *Medusa Cement Co. v. Secretary of Labor*, Docket Nos. PENN 97-20-RM, etc. (See oral argument listing, *supra*, for issues).

**TIME AND DATE:** 10:00 a.m., Thursday, July 31, 1997.

**PLACE:** Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. *Secretary of Labor v. Harlan Cumberland Coal Co.*, Docket No. KENT 94-966, etc. (Issues include whether the judge erred in determining that the operator violated 30 C.F.R. §§ 70.207(a) and 70.208(a) when the Mine Safety and Health Administration failed to receive desirable dust samples taken by the