

existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

### 1. Clintwood Elkhorn Mining Company

[Docket No. M-2003-018-C]

Clintwood Elkhorn Mining Company, PO Box 196, Hurley, Virginia 24620 has filed a petition to modify the application of 30 CFR 77.214(a) (Refuse piles; general) to its Clintwood Elkhorn III Mine (MSHA I.D. No. 44-03010) located in Buchanan County, Virginia. The petitioner requests a modification of the existing standard to allow construction of a refuse fill to cover abandoned mine openings in the Blair seam at the Clintwood Elkhorn Mining Company, Cedar Branch Refuse area, MSHA Site I.D. #1211VA50120-82. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

### 2. Consol of Pennsylvania Coal Company

[Docket No. M-2003-024-C]

Consol of Pennsylvania Coal Company, CONSOL Energy, Inc., 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 77.516 (Electric wiring and equipment; installation and maintenance) to its Enlow Fork Mine (MSHA I.D. No. 36-07416) located in Greene County, Pennsylvania. The petitioner proposes to use an electric heater in a thermal flow reversal reactor to oxidize the methane in mine ventilation air. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

### 3. Speed Mining, Inc.

[Docket No. M-2003-025-C]

Speed Mining, Inc., PO Box 1083, Beckley, West Virginia 25802 has filed a petition to modify the application of 30 CFR 75.1700 (Oil and gas wells) to its American Eagle Mine (MSHA I.D. No. 46-05437) located in Kanawha County, West Virginia. The petitioner proposes to drill out the oil and/or gas well as specified in its previous petition, docket number M-2001-041-C, and to pump cement to 50 feet above the eagle seam. The rest of the borehole will be left open to utilize degasification of methane out of the longwall gob, after the longwall has intersected the well. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

### 4. Dickenson-Russell Coal Company, LLC

[Docket No. M-2003-026-C]

Dickenson-Russell Coal Company, PO Box 573, Abingdon, Virginia 24212-0573 has filed a petition to modify the application of 30 CFR 77.215-2(b) (Refuse piles; reporting requirements) to its Roaring Fork #3 Mine (MSHA I.D. No. 44-06975) located in Dickenson County, Virginia. The petitioner requests a modification of the existing standard and review and approval of a report for the Roaring Fork #3 Scalped Rock Disposal Area, MSHA Site I.D. #1211-VA5-0203-01. The petitioner proposes to expand the Roaring Fork #3 Scalped Rock Disposal to place scalped rock over existing Upper Banner Mine workings. The petitioner states that all organic and topsoil material will be cleared from the proposed fill area prior to placement of scalped rock. The petitioner has listed specific procedures that would be followed prior to placement of scalped rock over mine workings. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

#### Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to [comments@msha.gov](mailto:comments@msha.gov), or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 1100 Wilson Boulevard, Room 2352, Arlington, Virginia 22209. All comments must be postmarked or received in that office on or before June 23, 2003. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 17th day of April 2003.

**Marvin W. Nichols, Jr.,**

*Director, Office of Standards, Regulations, and Variances.*

[FR Doc. 03-9968 Filed 4-22-03; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### National Advisory Committee on Ergonomics

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of meeting.

**SUMMARY:** The National Advisory Committee on Ergonomics (NACE) is part of the Secretary's comprehensive

approach for reducing ergonomics-related injuries and illnesses in the workplace. The committee was convened for the first time on January 22, 2003. This notice schedules the second NACE meeting. The public is encouraged to attend.

**DATES:** The Committee will meet in Washington, DC on Tuesday, May 6 from 9:30 a.m. to 5 p.m. and Wednesday, May 7, 2003, from 8:30 a.m. until approximately 3 p.m.

**ADDRESSES:** The Committee will meet at the Washington Court Hotel, 525 New Jersey Avenue, NW., Washington, DC 20001; Telephone (202) 628-2100. Submit comments, views, or statements in response to this notice to MaryAnn Garrahan, Director, Office of Technical Programs and Coordination Activities, OSHA, U.S. Department of Labor, Room N-3655, 200 Constitution Avenue, NW., Washington, DC 20210. Phone: (202) 693-2144; Fax: (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** OSHA, Office of Public Affairs, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693-1999.

**SUPPLEMENTARY INFORMATION:** NACE was chartered for a two-year term on November 27, 2002, to provide advice and recommendations on ergonomic guidelines, research, and outreach and assistance. The committee met for the first time on January 22, 2003, in Washington, DC. This notice announces the second meeting of the committee, which will take place in Washington, DC on May 6-7, 2003.

#### I. Meeting Agenda

The second meeting of the National Advisory Committee on Ergonomics will continue discussions on OSHA's ergonomics program and related presentations. The Committee will set up working groups on Research, Guidelines, and Outreach and Assistance, and those working groups will meet on the afternoon of May 6. The working groups will report back to the full Committee on May 7th and lead discussions about their respective topics. Assistant Secretary John Henshaw will also address the Committee on the 7th.

#### II. Public Participation

Written data, views, or comments for consideration by NACE on the various agenda items listed above may be submitted, preferably with copies, to MaryAnn Garrahan at the address listed above. Submissions received by April 28, 2003 will be provided to the committee members for consideration. Requests to make oral presentations to

the Committee may be granted if time permits. Anyone wishing to make an oral presentation to the Committee should notify MaryAnn Garrahan at the address noted above. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Persons who request an oral presentation may be allowed to speak, as time permits, at the discretion of the Chair of the Advisory Committee.

Persons with disabilities requiring special accommodations should contact Veneta Chatman (telephone: (202) 693-1912; Fax (202) 693-1635) by April 28, 2003.

A transcript of the meeting will be available for inspection and copying in the OSHA Technical Data Center, Room N-2625 (see **ADDRESSES** section above) telephone: (202) 693-2350.

**Authority:** This notice was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health. It is issued under the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), GSA's FACA Regulations (41 CFR part 102-3), and DLMS 3 Chapter 1600.

Signed at Washington, DC, this 18th day of April, 2003.

**John L. Henshaw,**

*Assistant Secretary of Labor.*

[FR Doc. 03-10170 Filed 4-21-03; 3:03 pm]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

[Administrative Order No. ]

#### Special Industry Committee for All Industries in American Samoa; Appointment; Convention; Hearing

1. Pursuant to sections 5 and 6(a)(3) of the Fair Labor Standards Act (FLSA) of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and 29 CFR part 511, I hereby appoint special Industry Committee No. 25 for American Samoa.

2. Pursuant to sections 5, 6(a)(3) and 8 of the FLSA, as amended (29 U.S.C. 205, 206(a)(3), and 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR part 511, I hereby:

(a) Convene the above-appointed industry committee;

(b) Refer to the industry committee the question of the minimum rate or rates for all industries in American Samoa to be paid under section 6(a)(3) of the FLSA, as amended; and,

(c) Give notice of the hearing to be held by the committee at the time and place indicated.

The industry committee shall investigate conditions in such industries and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the FLSA.

The committee shall meet in executive session to commence its investigation at 9:00 a.m. and begin its public hearing at 11:00 a.m. on June 16, 2003, in Pago Pago, American Samoa.

3. The rate or rates recommended by the committee shall not exceed the rate prescribed by section 6(a) or 6(b) of the FLSA, as amended by the Fair Labor Standards Act Amendments of 1996, of \$5.15 an hour effective September 1, 1997.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industries that it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in such industries, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of American Samoa.

4. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR part 511.10, that will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following:

(a) Competitive conditions as affected by transportation, living and production costs;

(b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and

(c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

5. Prior to the hearing, the Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information that has been assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. Upon request, the Wage and Hour Division will mail copies to interested persons who make a written request to the Wage and Hour Division. To facilitate mailing, such persons should make advance written request to the Wage and Hour Division. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

6. The provisions of Title 29, Code of Federal Regulations, part 511, will govern the procedure of this industry committee. Copies of this part of the regulations will be available at the Office of the Governor, Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English, but in the event that a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a pre-hearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. Each pre-hearing statement shall contain the data specified in 29 CFR 511.8 of the regulations and shall be filed not later than May 16, 2003. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, DC this 17th day of April, 2003.

**Elaine L. Chao,**

*Secretary of Labor.*

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