UNION CARBIDE CORPORATION
OLD RIDGEBURY ROAD, DANBURY CONN 06817
LAW DEPARTMENT

Re file
IR- Ph set up a file on this - JR

OVERNIGHT DELIVERY

RECEIVED
AUG 27 1984

August 24, 1984

PLAINTIFF'S EXHIBIT UC-1179

R. Harrison, Esq.
Baker & Botts
One Shell Plaza
Houston, TX 77002

RE: Secretary of Labor v.
Union Carbide Corporation
Texas City, Texas
OSHA #84-0705

Dear Ross:

Enclosed is a copy of the index to my file in the above-described case. Unfortunately, the file was sent directly to Lee Rosenthal, Esq. by virtue an uncountermanned directive from me given prior to our discussion on Wednesday.

I hope this fact does not inconvenience you too much and that you can retrieve the file from Lee.

Lee and I had tentatively scheduled a meeting at the Baker & Botts office on August 29, 1984 to review the citation and our proposed defense strategy. We intended to extend an invitation to Mr. F. Provenzano, the Plant Manager, who has been very interested in this matter, to attend the meeting.

Your participation in this meeting will, of course, be helpful. As a result, if we need to reschedule, please call me as soon as possible.

In the interim, if you have any questions, please feel free to call. I am

Sincerely yours,

Betty-Lynn White

BLW/nc
Enclosure

cc: F. Provenzano

UCTC 21109

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UCTC 21110

NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
1			J.R. Dement F.S. Provenzano		UCC; Solvents & Coatings Materials Division, Texas City. Final Investigation Team Fatality Report
2	4/13/84		F.S. Provenzano W.P. Nickles		Preliminarty Report - Texas City Plant Fatality (Duplicate attached)
3	4/15/84		F.S. Provenzano	R.P. Lawlor B.L. White, (et. al.)	Selection of Accident Investion Team for 4/13/84 fatality in the Texas City Plant
4	4/15/84		F.S. Provanzano	R.P.Lawlor, (et.al.) B.L. White	Selection of Accident Investigation Team for 4/13/84 fatality in the Texas City Plant
5	4/16/84		C.E. Eley	R.P.Lawlor, (et.al.)	Fatality Report re: R.G. Moreno
6	4/17/84		Toni Shannon Public Affairs Admin.	Press Release	Draft of Press Release and obituary re: R.G. Moreno - also attached is a draft letter to all employees
7	4/17/84				R.P.Lawlor - Handwritten notes regarding the Moreno case. Discussions held with plant managers - advised of course of action to be taken regarding this case
8	4/17/84		W.P. Nickles	G.J. Triplett	Letter enclosing documents as per request

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
		4/14/84	T.B. Shannon Public Affairs Adm.	Press Release	Press Release - Obituary - Ramiro Gonzalez Moreno
		4/16/84	F.S. Provenzano	All Employees	Notice to Employees - information regarding fatality and funeral arrangements
		3/30/84	T.L. Adcock	Mobile Air Conditioning, Inc. (MACI)	Notice to extend contract No. 515-018940-4 (copy attached)
		3/30/84	R.W. Gerber	Mobile Air Conditioning, Inc. (MACI)	Full Contract with MACI. No. 515-018 940-4
	undated				Photographs of accident site
9	4/19/84		R.P. Lawlor	Memo to File	Handwritten notes - Information received by G. Triplett regarding the functioning of MACI equipment
		4/19/84	R.P. Lawlor	Report for Stockholders annual meeting	Summary of Moreno case
10	4/19/84		W.P. Nickles	S. Footer J. Leverton	Handwritten notes discussing equipment and standards, OSHA visits, legal personnel
11	4/19/84		P. Coleman	R.L. Doan	Transmittal note re: attached report to stockholders of Moreno incident
		4/19/84	R.P. Lawlor		Report for Stockholders Annual meeting of Moreno incident

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
12	4/20/84				Handwritten notes re: Texas City Fatality
13	undated		J.P. Leverton		Log of interactions with OSHA concerning R.G. Moreno fatality
14	4/26/84		I. Ruiz	"J.B.L."	Transmittal note re: attached witness statements
					Witness statements re: Moreno incident
15	5/3/84				Handwritten notes re: SCM Division meeting, discipline decided upon
16	5/4/84		F.S. Provenzano		Draft of presentation re: Moreno incident with index
17	5/7/84		F.S. Provenzano	Plant Procedure Manual Holder	Transmittal letter re: Interim Plant Procedure for Control of Service Contractors and Rental Equipment
		5/9/84			Interim Plant Procedure - Control of Service Contractors and Rental Equipment
18	5/8/84		W.P. Nickles	B.L. White, et. al.	Letter re: request for legal review of interim report to be sent to Corporate Management Committee

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
19	5/8/84		F.S. Provenzano	Plant Procedures Manual Holders	Transmittal letter re: Interim Plant Procedure for "Field Pressure and Leak Test Control Procedure"
		5/10/84			Interim Field Pressure and Leak Test Control Procedure
20	5/1/82				Copy of Corporate Safety and Loss Control Manual - Subject - Accident Investigation Report Guidelines
21	5/10/84		W.P. Nickles	L. Rosenthal	Transmittal letter for comments on discussion with Mobil Air Conditioning, Inc.
		5/9/84	D.R. Hutchinson	Investigation Team	Transmittal letter for comments on discussion with Mobil Air Conditioning, Inc.
		4/23/84			Excepts from interview with R. Greenhouse, et al. re: meeting with Mobile Air Conditioning, Inc.
22	undated				Handwritten notes re: Moreno incident
23	5/11/84		J.B. Leverton	B.L. White	Transmittal letter re: copies of information supplied to OSHA - Fatality Investigation dated 4/13/84, and inventory of exchanged information

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
	undated				Pictures, diagrams, pertinent forms, witness statements, etc. supplied to Emile E. Petit, OSHA Compliance Officer
24	5/14/84		W.P. Nickles	G.J. Triplett, et. al.	Transmittal letter for status report on investigation of Moreno accident
25	5/23/84		C.E. Eley	R.P. Lawlor, et. al.	Proposed revisions to Corporate Safety and Loss Control Manual
		5/22/84			Drafts of proposed changes in Contractor On-Site Policy, Management Performance, Manufacturing Safety Program
26	5/28/84		L.H. Rosenthal	G.J. Triplett	Letter informing G.J. Triplett of the position taken by MACI in the Moreno matter - Letter states that MACI has informed OSHA that UCC has not given them any information regarding system requirements or plant processes
27	5/30/84		B.L. White	C.E. Eley	Comments on proposed revisions to Corporate Safety and Loss Control Manual
28	5/31/84		G.J. Triplett	R.P. Lawlor	Letter enclosing a copy of L. Rosenthal's 5/28/84 letter as per request

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
		5/28/84	L.H. Rosenthal	G.J. Triplett	Letter enclosing a set of contracts relating to leases from Mobil Air Conditioning, Inc. (MACI) Letter also states that the equipment was inspected and MACI will be contacted for additonal testing (contracts attached)
29	5/31/84		G.J. Triplett	C.E. Eley	Letter commenting on proposed revisions to the Corporate Safety and Loss Control Manual
30	6/1/84				Handwritten telephone notes regarding OSHA interview with D.R. Hutchinson
31	6/1/84		J.B. Leverton Share Manager	Emile Petit U.S. Dept. of Labor - OSHA	Letter enclosing the requested statement of D.R. Hutchinson
		5/31/84	D.R. Hutchinson	J.B. Leverton	Letter responding to informtion request made by E. Petit. Letter regarding a meeting held with Mobile Air Conditioning, Inc.
32	6/7/84		R.P. Lawlor	B.L. White	Letter confirming Joe Triplett and Lee Rosenthal are against the video tape production re: Moreno fatality (2 copies attached)

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
		7/6/84	W.P. Nickles	B.L. White	Letter enclosing a draft of the script for a video tape production regarding the Moreno fatality. (2 copies attached)
33	6/11/84		R.R. Murphy, Jr.	C.E. Eley	Letter commenting on the attached proposed Construction On-Site Policy
34	6/12/84		L.H. Rosenthal	W.P. Nickles	Letter advising that UCC inform their employees to refrain from discussing the Moreno case
35	6/14/84		B.L. White	R.L. Doan J.E. Geoghan	Letter opposing the proposed production of a video tape concerning the Texas City Fatality. (Attachments included for their review)
		7/6/84	W.P. Nickles	B.L. White	Letter enclosing a draft script for a video tape re: the fatality which is to be shown to plant employees
		7/7/84	R.P. Lawlor	B.L. White	Letter confirming Joe Triplett and Lee Rosenthal are against the video tape production
36	6/18/84		B.L. White	J.E. Geoghan	Letter enclosing a copy of a second draft of a script for the proposed video tape production. Received by B.L. White

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
37	6/22/84		W.P. Nickles	L.H. Rosenthal	Letter regarding the rental of Mobil Air Conditioning, Inc. Equipment involved in the Moreno fatality
38	6/22/84		L.H. Rosenthal	F.S. Provenzano	Letter enclosing preliminary notes regarding the Moreno fatality
39	7/27/84		C.E. Eley	General Safety Committee Members	Letter enclosing (1) copies of proposed changes and additions to the Corporate On-Site Contractor Policy (2) Management Performance Standard and (3) Manufacturing Safety Program Guidelines. Letter also states the location of the next meeting to be held on Aug. 14.
40	7/5/84		R.P. Lawlor		Memo to file - telephone conversation re: Moreno Matter stating that a copy of the Citation was received in Texas City.
41	7/10/84		F.S. Provenzano	B.L. White	Letter regarding - Texas City Fatality of April 13, 1984 also includes preliminary script for a video tape to be shown to plant employees.
42	8/21/84		B.L. White	Memo to File	Memo to File re: OSHA's position as discussed by B.L. White and Mr. Fitz

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
43	7/16/84		B.L. White	G.A. Baty Area Director OSHA	Notice that UCC contests the OSHA citation (OSHA I.D. No. P4765-939).
44	7/26/84		R.H. Darling, Jr. OSHRC	B.L. White	Notice of Docketing and Instructions to Employer.
45	8/1/84		Robert A. Fitz Dept. of Labor	Ray H. Darling, Jr. OSHRC	Letter enclosing, (1) First Amended Complaint (2) Certificate of Service and (3) Citation and Notification of Penalty from Dept. of Labor - and request to file this instrument.
46	8/7/84		B.L. White	F. Provenzano Solvents & Coatings	Letter enclosing the following documents (1) letter from R.A. Fitz (Dept. of Labor) to R.H. Darling (2) First Amended Complaint (3) Notification of Penalty.
		8/9/84	Robert A. Fitz Dept. of Labor	Ray H. Darling, Jr. OSHRC	Letter from Dept. of Labor requesting filing of complainants first amended complaint.
		Undated	Robert A. Fitz Dept. of Labor	OSHRC	First Amended Complaint.
		7/3/84	Dept. of Labor	UCC	Department of Labor Notification of Penalty.

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NO.	DATE	ATTACHMENT DATE	FROM	TO	SUBJECT
47	8/20/84		B.L. White	Ray H. Darling, Jr. OSHRC	Letter enclosing the following documents (1) Answer to First Amended Complaint, (2) Notice of Appearance and (3) Certificate of Service.
48	8/20/84		B.L. White	F.S. Provenzano Solvents & Coatings	Letter stating that UCC should post the "Notice of Contest" and send a copy to the Union within 48 hrs.
		7/16/84	B.L. White	G.A. Baty Area Director OSHA	Notification that UCC contests the attached OSHA citation.
		7/3/84	G.A. Baty OSHA	UCC	Citation & notification of penalty.
		8/21/84			Notice to Employees of alleged violation.

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