01/10 01:43 7304316 #02

PLAINTIFF'S EXHIBIT
UC-1187

BAKER & BOTTS
ONE SHELL PLAZA
HOUSTON, TEXAS 77002

G-11,738
UNION CARBIDE CORPORATION
(OSHRC Docket No. 84-0705)

January 10, 1985

COPY

Mr. G. J. Triplett
Law Department
Union Carbide Corporation
437 MacCorkle Avenue, S.W.
S. Charleston, West Virginia 25303

Dear Mr. Triplett:

Betty-Lynn White has already approved this settlement agreement. She asked that I get your concurrence. I did not know whether you had been sent a copy of the agreement and have therefore enclosed a copy.

Please call me as soon as you have had an opportunity to review it.

Very truly yours,

Ross Harrison

RH:160
Enc.
cc: Mr. Foley Provenzano

UCTC 21154

01/10 01:43 2304316 #03

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

RAYMOND J. DONOVAN, Secretary of Labor, United States Department of Labor, Complainant,	§	
V.	§	OSHRC DOCKET NO. 84-0705
UNION CARBIDE CORPORATION and Its Successors, Respondent.	§	

SETTLEMENT AGREEMENT

Come now complainant and respondent and submit the following settlement agreement pursuant to Rule 100 of the Commission's Rules of Procedure:

1. Complainant moves to amend the citation at issue herein by striking the following paragraphs from the citation:

> A feasible and useful method to correct the hazard is to insure that the contractor installs the piping in accordance with good engineering practices for pressure piping prior to use by plant employees; such as:
>
> 1) Using pipe components rated for the maximum operating pressure.
>
> 2) Install a pressure relief valve on the chilling system.

UCTC 21155

3) Properly examine and inspect the piping components for visible defects prior to use.

The above could be done by using American National Standards Institute B31.1, 1983, or equivalent as a guide.

2. Upon the granting of complainant's motion, and without admitting any violations of section 5(a)(1) of the Occupational Safety and Health Act of 1970, respondent moves to withdraw its notice of contest.

3. Without admitting that the hazardous condition described in the citation at issue herein ever existed, respondent states that such condition does not exist at the present time.

4. Without admitting any violations of section 5(a)(1) of the Occupational Safety and Health Act of 1970, respondent has tendered payment of the proposed penalty.

5. The entry of a final order of the Commission approving this settlement agreement shall not constitute an admission by respondent of any violations of the Occupational Safety and Health Act to any third parties in any subsequent proceedings, formal or informal, except proceedings brought by the Secretary of Labor directly under the provisions of the Occupational Safety and Health Act.

Union Carbide trial exhibit UC-1187: Ross Harrison (Baker & Botts) to G. J. Triplett Transmitting OSHRC Settlement... Published by AsbestosClaims.Law
ACL Doc 16361 · Page 3 of 6 asbestosclaims.law/library/16361/3

6. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

FRANCIS X. LILLY
Solicitor of Labor

BAKER & BOTTS

JAMES E. WHITE
Regional Solicitor

JACK F. OSTRANDER
Counsel for Occupational
Safety and Health

By: _____
ROSS HARRISON

Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002

Telephone: 713-229-1234

Attorneys for Respondent.

By: _____
ROBERT A. FITZ

U. S. Department of Labor
Office of the Solicitor
555 Griffin Square, Suite 501
Dallas, Texas 75202

Telephone: 214-767-4902

Attorneys for Complainant.

OSHA No. 1363274
SOL Case No. 21405

NOTICE TO AUTHORIZED EMPLOYEE
REPRESENTATIVES OF AFFECTED EMPLOYEES

EACH AUTHORIZED EMPLOYEE REPRESENTATIVE OF AFFECTED EMPLOYEES IS HEREBY GIVEN NOTICE THAT ANY OBJECTION TO THE ENTRY OF AN ORDER APPROVING THE SETTLEMENT AGREEMENT MUST BE FILED WITHIN TEN (10) DAYS OF THE DATE OF SERVICE OF THE SETTLEMENT AGREEMENT ON THEM, BY SETTING FORTH SUCH OBJECTIONS IN WRITING AND MAILING THEM TO THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION, 1100 COMMERCE STREET, SUITE 7B11, DALLAS, TEXAS 75242, WITH COPIES TO COMPLAINANT AND RESPONDENT.

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UCTC 21158

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-4-

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JAN 10 1985

file

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1410 UNITED BANK TOWER
400 WEST FIFTEENTH STREET
AUSTIN, TEXAS 78701

s/c: WPR ✓
SJB
JBL
RLY

TELECOMMUNICATION TRANSMITTAL

TO: Foley, Provenzano

FROM: Ross Harrison

DATE: January 10, 1985

Total Number of Pages 1p (Including This Cover Sheet)

We telephoned and verified receipt of telecopy YES ___ NO ___

Person's Name: _____

Phone: (713+) 229-1107 - Automatic - Panafax MV3000 Group I, II and III
229-1621 - Manual - Dex 700 - Group I
229-1522 - Automatic - Xerox 200 - Group I
229-1381 - Automatic - Dex 4100 - Group I

229-1730 - VERIFY TELEPHONE NUMBER

Sent By: Barbara Baker, Judi Brown or Michael Lerma

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.

(713+) 229-1730 or 229-1621

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