UNION CARBIDE CORPORATION

270 PARK AVENUE

NEW YORK, N. Y. 10017

PLAINTIFF'S EXHIBIT UC-1196

RECEIVED

MAY 7 1980

LAW DEPARTMENT
212-551-6797

JOHN W. WHITTLESEY
CHIEF LABOR COUNSEL

CERTIFIED MAIL NO. 1240064
RETURN RECEIPT REQUESTED

May 5, 1980

Executive Secretary
Occuptional Safety and Health
Review Commission
1825 K Street, N.W.
Washington, D.C. 20006

Re: Secretary of Labor, United States Department of Labor vs. Union Carbide Corporation,
OSHRC Docket No. 80-1943, Region No. 6

Dear Sir:

Enclosed please find the original and one (1) copy of Respondent's Answer in the above captioned case, copy of which has been served upon Regional Solicitor for the Department.

Very truly yours,

John W. Whittlesey/js

John W. Whittlesey

JWW:js
Enclosures

cc: James E. White
Regional Solicitor
U.S. Department of Labor
555 Griffin Square Building, Rm. 501
Griffin & Young Streets
Dallas, Texas 75202
Attn: Fredd J. Haas
CERTIFIED MAIL NO. 1240065

UCTC 21177

bcc: Messrs. J. B. Leverton
R. G. Mitchell
A. G. Voress
J. W. Whittlesey

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR, Complainants, vs. UNION CARBIDE CORPORATION, Respondent.	OSHRC Docket No. 80-1943 Region No. 6

ANSWER AND AFFIRMATIVE DEFENSES

Respondent, Union Carbide Corporation, by its attorney, answers the Complaint issued by the Department of Labor and dated April 24, 1980 as follows:

1. Respondent denies each and every allegation contained in the Introductory Paragraph of the Complaint, Paragraphs IV, V and VI in their entirety.

2. Respondent admits all the allegations contained in Paragraphs I and II of the Complaint, except the statement of Respondent's name in Paragraph II.

UCTC 21178

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3. Respondent denies each and every allegation in Paragraph III of the Complaint except that Respondent admits that, on or about March 13, 1980, an inspection was conducted at Respondent's Texas City, Texas workplace and that Citation No. S6329-019 was issued.

4. Respondent denies any and all allegations of Paragraph IV of the Complaint and denies that Complainant has lawfully amended the Citation herein.

5. Respondent admits Paragraph VII of the Complaint.

AFFIRMATIVE DEFENSE

6. The Complaint, on its face, fails to state a claim upon which relief may be granted.

7. The allegations of the Complaint contravene the intent of Congress in enacting the Occupational Safety and Health Act of 1979 as amended, 29 U.S.C.A. §651 et seq. (hereafter "the Act") as well as the authority of Complainant furnished thereunder.

8. The Complaint, on its face, violates the internal and published rules of the Occupational Safety and Health Administration.

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WHEREFORE, the Respondent respectfully requests that this Complaint be dismissed in its entirety.

Dated: May 5, 1980

John W.Whittlesey, Esquire
Chief Labor Law Counsel
Union Carbide Corporation
270 Park Avenue
New York, New York 10017
212-551-6797

Betty-Lynn White, Esquire
Labor Attorney
Union Carbide Corporation
270 Park Avenue
New York, New York 10017
212-551-3877

To: Executive Secretary
Occupational Safety and Health
Review Commission
1825 K Street, N.W.
Washington, D.C. 20006
CERTIFIED MAIL NO. 1240064

James E. White
Regional Solicitor
U.S. Department of Labor
555 Griffin Square Building, Rm. 501
Griffin & Young Streets
Dallas, Texas 75202
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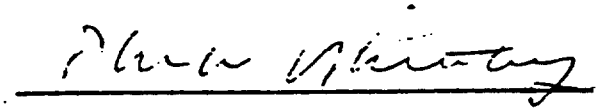
CERTIFICATE OF SERVICE

I, John W. Whittlesey, do hereby certify that on this fifth day of May 1980, I timely served by first-class mail (Certified - Return Receipt Requested) the one (1) original of the foregoing Answer and Affirmative Defenses properly addressed to:

Executive Secretary
Occupational Safety and Health
Review Commission
1825 K Street, N.W.
Washington, D.C. 20006
CERTIFIED MAIL NO. 1240064

and one (1) true copy properly addressed to:

James E. White
Regional Solicitor
U.S.Department of Labor
555 Griffin Square Building, Rm. 501
Griffin & Young Streets
Dallas, Texas 75202
Attn: Fredd J. Haas
CERTIFIED MAIL NO. 1240065



UCTC 21181