KD

PLAINTIFF'S EXHIBIT

UC-3383

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
6525 BELCREST ROAD, SUITE 1005
HYATTSVILLE, MARYLAND 20782
(301) 436-8870

IN REFERENCE TO SECRETARY OF LABOR v.

512+ construction

UNION CARBIDE CORPORATION

OSHRC DOCKET NO. 80-5984 & 80-5985

NOTICE IS HEREBY GIVEN TO THOSE LISTED BELOW:

FOR THE SECRETARY OF LABOR

Marshall H. Harris, Regional Solicitor
U. S. Department of Labor
14480 Gateway Building
3535 Market Street
Philadelphia, Pennsylvania 19104
Attn: Michael S. Berger, Esq.

FOR EMPLOYEES

C. B. Oxley, Business Representative
Local Union 656, International Association
of Machinists and Aerospace Workers
801 Main Avenue
Nitro, West Virginia 25143

FOR EMPLOYER

John W. Whittlesey, Chief Labor Counsel
Union Carbide Corporation
270 Park Avenue
New York, New York 10017

OF Order concerning submission of settlement.

TO WIT: On January 27, 1981, complainant's attorney, Michael Berger, advised by telephone that the referenced case has been settled.

The fully executed settlement document, complying with the Commission requirements as set forth in Commission Rule 100, 29 C.F.R. § 2200.100, shall be filed so as to be RECEIVED in this office on or before February 17, 1981. Pursuant to the service requirements of that rule, the settlement agreement should indicate the date it was posted at the worksite and, if the employer's employees are represented by a union, the date the agreement was served on the local union, regardless of whether the union has asserted party status.

Citation reduced from: Willful Violation
To: Serious
Fine Dropped from: $1000.00
To: $500.00

George O. Taylor Jr.
GEORGE O. TAYLOR, JR.
Judge, OSHRC

RECEIVED
JAN 1981
J. W. WHITTLESEY

Dated: January 27, 1981

UCC 016962

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

U. S. Department of Labor - OSHA
1726 Charleston National Plaza
700 Virginia Street
Charleston, West Virginia 25301

1 ISSUANCE DATE	2 OSHA NUMBER	
9/19/80	R8407-007	
3 REGION	4 AREA	5 PAGE
03	0480	1 OF 1

6 TYPE OF VIOLATION	7 NUMBER OF VIOLATIONS
WILLFUL	1

INSPECTION DATE:
8/26 - 9/16/80

INSPECTION SITE:
Institute Plant
Institute, WV

TO: Mr. C. W. Carmen, Safety Director
Union Carbide Corporation
Engineering Department
Technical Center, Building 725
South Charleston, West Virginia 25309

THE LAW REQUIRES that a copy of this Citation be posted immediately in a prominent place at or near the location of the violation(s) cited below. The Citation must remain posted until the violations cited below have been corrected, or for 3 working days (excluding weekends and Federal holidays) whichever is longer.

PENALTIES ARE DUE WITHIN 15 DAYS OF RECEIPT OF THIS NOTIFICATION UNLESS CONTESTED (See enclosed Booklet)

This Section May Be Detached Before Posting

This citation describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed below are based on these violations. You must correct the violations referred to in this citation by the dates listed below and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this citation and penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. (See the enclosed booklet which outlines your responsibilities and courses of action and should be read in conjunction with this form.)

8 ITEM NUMBER STANDARD, REGULATION OR SECTION OF THE ACT VIOLATED: DESCRIPTION	9 DATE BY WHICH VIOLATION MUST BE CORRECTED	10 PENALTY
The violations described in this citation are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.		
1 29 CFR 1904.2(a): The log and summary of occupational injuries and illnesses (OSHA Form No. 200 or its equivalent) was not completed in the detail provided in the form and the instructions contained therein: Diagnosed cases of asbestos related lung disease were not recorded.	Immediately	$1,000

11 AREA DIRECTOR
Stanley H. Elliott Stanley H. Elliott

13 $1,000
TOTAL PENALTY FOR THIS CITATION

Make check or Money Order Payable To "DOL-OSHA" Indicate OSHA No. on Remittance

NOTICE TO EMPLOYEES — The law gives an employee or his representative the opportunity to object to any abatement date set for a violation if he believes the date to be unreasonable. The contest must be mailed to the U.S. Department of Labor Area Office at the address shown above within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this citation and penalty.

EMPLOYER DISCRIMINATION UNLAWFUL — The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he has been discriminated against may file a complaint no later than 30 days after the discrimination with the U.S. Department of Labor Area Office at the address shown above.

EMPLOYER RESPONSIBILITIES AND COURSES OF ACTION — The enclosed booklet outlines employer responsibilities and courses of action and should be read in conjunction with this notification.

CITATION AND NOTIFICATION OF PENALTY
UCC 016963

OSHA-2 REV. 5/76

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CITATION and NOTIFICATION OF PENALTY

U. S. Department of Labor – OSHA
1726 Charleston National Plaza
700 Virginia Street
Charleston, West Virginia 25301

1 ISSUANCE DATE	2 OSHA NUMBER	
9/19/80	R8407-007	
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10 AREA DIRECTOR
Stanley H. Elliott Stanley H. Elliott

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UCC 016964

CITATION AND NOTIFICATION OF PENALTY OSHA-2 REV. 5/76

NOTICE

TO EMPLOYEES OF

YOUR EMPLOYER HAS BEEN CITED BY THE SECRETARY OF LABOR FOR VIOLATION OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970. THE CITATION HAS BEEN CONTESTED AND WILL BE THE SUBJECT OF A HEARING BEFORE THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

AFFECTED EMPLOYEES ARE ENTITLED TO PARTICIPATE IN THIS HEARING AS PARTIES UNDER TERMS AND CONDITIONS ESTABLISHED BY THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION IN ITS RULES OF PROCEDURE. NOTICE OF INTENT TO PARTICIPATE SHOULD BE SENT TO

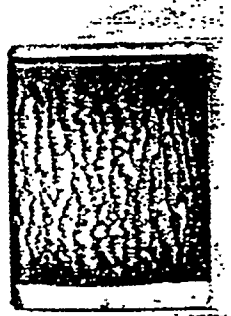
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1825 K STREET, NW
WASHINGTON, DC 20006

ALL PAPERS RELEVANT TO THIS MATTER MAY BE INSPECTED AT

Safety Office
Construction Department
511/2149

[EMPLOYER MUST FILL IN ABOVE BLANK SPACE PRIOR TO POSTING AND SERVING THIS NOTICE]

GSA DC 73-3783



UCC 016965

EMPLOYER MUST COMPLETE CERTIFICATE OF SERVICE AND MAIL WITHIN 48 HOURS OF RECEIPT:

NAME Union Carbide Corporation DOCKET NUMBER 80-5985

On behalf of the employer in the above case, I hereby certify that on 10/24/80 (date), the employer's Notice of Contest and the notice form supplied by the Commission advising affected employees were posted (sent by mail) (delivered personally) to no union (name of union representing affected employees)* at _____ (place of notice.) If notice was given personally at the workplace, please indicate here the business address of the representative: _____. I also certify that as notification to affected employees not represented by the aforementioned union, these notices have been posted at each place where the OSHA citation is required to be posted.

SIGNATURE OF EMPLOYER REPRESENTATIVE

SIGNED THIS 24th DAY OF October, 19 80

John W. Whittlesey
PLEASE PRINT LAST NAME

Chief Labor Counsel
TITLE OR POSITION

*If more than one union represents affected employees, any additional unions must also be served notice and a certification of service must be made. Please indicate here the name and address of every additional union:

_____

OSHRC FORM 5 (REV. 3/79)

GPO 939-783

UCC 016966

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1825 K STREET, N.W.
WASHINGTON, D. C. 20006

DATE 10/09/80 REGION 3

SECRETARY OF LABOR

V.

UNION CARBIDE CORPORATION

OSHRC DOCKET NO. 805985

NOTICE OF DOCKETING

INSTRUCTIONS TO EMPLOYER

Notice is given that the above captioned case was received by the Commission on 10/06/80 and assigned the docket number listed above.

All future documents and communications relating to this case should include the docket and region numbers.

Enclosed are (1) a copy of the Commission's rules, (2) a copy of your NOTICE OF CONTEST, (3) a form notifying your affected employees of this, and (4) a return post card notifying us that you have notified them. This post card must be completed and mailed within 48 hours of receipt of this letter.

Rule 7 of the rules sets forth the necessary procedures for posting and advising affected employees of the case. Failure to comply with these procedures may result in the dismissal of your NOTICE OF CONTEST.

In the event that you have already complied and notified the Commission disregard this letter as to those items.

Also included with this notice is an explanation of simplified proceedings. If you intend to request simplified proceedings your request must be filed within 10 days after receipt of this notice and served in the manner prescribed for notices of contest in Rule 7.

Please consult the rules for answers to any questions that you may have about this matter.

Ralph H. Darling, Jr.
Ray H. Darling, Jr.
Executive Secretary
Phone: (202) 634-7950

For the EMPLOYER:

JOHN M. WHITTLESEY
CHIEF LBR. COUNSEL
UNION CARBIDE CORPORATION
270 PARK AVENUE
NEW YORK, , NY 10017

For the EMPLOYEES:

For the SECRETARY OF LABOR:

MARSHALL H. HARRIS
REGIONAL SOLICITOR
14480 GATEWAY BLDG.
3535 MARKET STREET
PHILADELPHIA , PA 19104

UCC 016967

NOTICE
TO EMPLOYEES OF

YOUR EMPLOYER HAS BEEN CITED BY THE SECRETARY OF LABOR FOR VIOLATION OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970. THE CITATION HAS BEEN CONTESTED AND WILL BE THE SUBJECT OF A HEARING BEFORE THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

AFFECTED EMPLOYEES ARE ENTITLED TO PARTICIPATE IN THIS HEARING AS PARTIES UNDER TERMS AND CONDITIONS ESTABLISHED BY THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION IN ITS RULES OF PROCEDURE. NOTICE OF INTENT TO PARTICIPATE SHOULD BE SENT TO

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1825 K STREET, NW
WASHINGTON, DC 20006

ALL PAPERS RELEVANT TO THIS MATTER MAY BE INSPECTED AT

Safety Office
Construction Department
511/2149

[EMPLOYER MUST FILL IN ABOVE BLANK SPACE PRIOR TO POSTING AND SERVING THIS NOTICE]

GSA DC 73.3783

UCC 016968

EMPLOYER MUST COMPLETE CERTIFICATE OF SERVICE AND MAIL WITHIN 48 HOURS OF RECEIPT:

NAME Union Carbide Corporation DOCKET NUMBER 80-5985

On behalf of the employer in the above case, I hereby certify that on 10/24/80 (date), the employer's Notice of Contest and the notice form supplied by the Commission advising affected employees were posted (sent by mail) (delivered personally) to no union (name of union representing affected employees)* at _____ (place of notice.) If notice was given personally at the workplace, please indicate here the business address of the representative: _____. I also certify that as notification to affected employees not represented by the aforementioned union, these notices have been posted at each place where the OSHA citation is required to be posted.

SIGNATURE OF EMPLOYER REPRESENTATIVE

SIGNED THIS 24th DAY OF October, 19 80

John W. Whittlesey
PLEASE PRINT LAST NAME

Chief Labor Counsel
TITLE OR POSITION

*If more than one union represents affected employees, any additional unions must also be served notice and a certification of service must be made. Please indicate here the name and address of every additional union:

_____

OSHRC FORM 5 (REV. 3/79)

GPO 939-783

UCC 016969