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From: T. E. Anderson

Unit: ICD - Philadelphia

Subject:

RECEIVED

J. E. SILVER

Attached is a copy of the Secretary of Labor's motion for an enlargement of time to respond to our PMA for our Lead-In-Air citation.

They now must respond by May 26, 1978.

Thomas E. Anderson

TEA:t1e

copy: J. A. Bielaus
W. E. Blair
O. Douglass
D. W. Hurley
J. H. Paraskevas
J. Silver
J. Stark
P. P. Warinski

N 27285

NL 000041271

U.S. DEPARTMENT OF LABOR

OFFICE OF THE REGIONAL SOLICITOR
3535 MARKET STREET, ROOM 14480
PHILADELPHIA, PENNSYLVANIA 19104
215-596-1126



March 28, 1978

MAR 29 1978

REGION

Ray H. Darling, Jr.
Executive Secretary
Occupational Safety and Health
Review Commission
1825 "K" Street, N.W.
Washington, D.C. 20006

Re: NL Industries, Inc. v. Ray Marshall, et al.
OSHRC Docket No. , Region III, SOL No. 3746

Dear Mr. Darling:

Enclosed herewith is the original of the Secretary's Motion For Extension of Time for filing in the above matter. As is indicated on the Certificate of Service, appropriate copies have been served.

Very truly yours,

Marshall H. Harris
Regional Solicitor

Enclosure

cc: ✓ Thomas E. Anderson, Plant Manager
SOL:JTC:ksr

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

N 27285.01

NL 000041272

UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

NL INDUSTRIES, INCORPORATED, :
Petitioner, :
v. : OSHRC DOCKET
RAY MARSHALL, SECRETARY OF LABOR, : NO. _____
UNITED STATES DEPARTMENT OF LABOR, : REGION III
Respondent. :

MOTION FOR EXTENSION OF TIME

Respondent, Ray Marshall, Secretary of Labor, United States Department of Labor, by his attorneys, hereby moves for an extension of time within which it must file a response to Petitioner's Petition for Modification of Abatement Date, and as grounds therefor, represents:

1. On March 20, 1978, NL Industries, Incorporated filed a Petition for Modification of Abatement Date with regard to Item No. 1 of Citation No. K9538 #63 issued on December 22, 1975.

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Said Petition was received on March 22, 1978. Copies of said Petition and Citation are attached hereto, made a part hereof, and marked Exhibits A and B respectively.

2. In order to make a decision with respect to concurring in or objecting to the requested Petition, it will be necessary for the Secretary to evaluate the state of the art of lead control techniques as applied to the lead industry and define the employer's efforts at compliance

WHEREFORE, Respondent respectfully requests a 45 day extension, until May 26, 1978, within which he must file a possible objection in accordance with Review Commission Rule 34.

POST OFFICE ADDRESS:

Marshall H. Harris
Regional Solicitor
Office of the Solicitor
14480 Gateway Building
3535 Market Street
Philadelphia, PA 19104
(215) 596-1126

/s/ Carin Ann Clauss
Carin Ann Clauss
Solicitor of Labor

/s/ Marshall H. Harris
Marshall H. Harris
Regional Solicitor

/s/ Joseph T. Crawford
Joseph T. Crawford
Attorney

UNITED STATES DEPARTMENT OF LABOR
Attorneys for Respondent.

CERTIFICATE OF SERVICE

I, Joseph T. Crawford, one of the attorneys for the Secretary of Labor, hereby certify that I served a copy of the Secretary's Motion For Extension of Time by mailing true and correct copies of the document in a Government envelope, postage prepaid, certified mail, return receipt requested, on the following:

Thomas E. Anderson
Plant Manager
NL Industries, Inc.
2545 Aramingo Avenue
Philadelphia, PA 19125

Dated: March 28, 1978

/s/ Joseph T. Crawford
Joseph T. Crawford
Attorney

NL 000041275