

**McGRAW CONSTRUCTION COMPANY, INC.**

Engineers And Constructors

31 S. Canal Street • P.O. Box 370 • Middletown, Ohio 45042

(513) 422-4521

Telex: 288041

Fax: (513) 423-5384

TELEFAX COVER SHEET

DATE: October 11, 1988

TO: International Mill Service, Inc.

ATTN: Mr. Coy Purcell

TELEFAX NO: (215) 963-2588

FROM: C. J. Ryburn

CONTRACT OR JOB NUMBER: 382

SUBJECT: Armco Middletown Works
Maintenance Contract
OSHA Citations

**PLAINTIFF'S
EXHIBIT**MGC-52

REMARKS: See attached

7

TOTAL PAGES INCLUDING THIS COVER SHEET

CJR/cao

McGCon 2311

RECEIVED
SEP 21 1988

U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
CINCINNATI AREA OFFICE REGION V
Federal Office Building, Room 4028
550 Main Street
Cincinnati, Ohio 45202

RECEIVED
SEP 19 1988

September 14, 1988

McGraw Construction Company, Inc.
P.O. Box 370
Middletown, OH 45042

Dear Sir:

Enclosed you will find citations for violations of the Occupational Safety and Health Act of 1970 (the Act) which may have accompanying proposed penalties. Also enclosed is a booklet which explains your rights and responsibilities under the Act. If you have any questions about the enclosed citations and penalties, I would welcome further discussion in person or by telephone.

You will note on page 9 of the booklet that, for violations which you do not contest, you must (1) notify this office promptly by letter that you have taken appropriate corrective action within the time set forth on the citation; and (2) pay any penalties assessed. Please inform me of the abatement steps you have taken and of their dates together with adequate supporting documentation; e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results. This information may allow us to close the case.

As indicated on page 10 of the booklet, you may request an informal conference with me during the 15-working-day notice of contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation or the penalty.

EROW
N.R. Patch
8/16/88

M. Buch
Please pay or
Advise me if you
want me to do anything
about it.

McGCon 2312

RECEIVED
SEP 19 1988
OCCUPATIONAL SAFETY AND HEALTH DEPT.
Certified Mail

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of the citation. The running of this contest period is not interrupted by an informal conference. You must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so.

If you decide to request an informal conference, please complete the attached notice at the bottom of this letter and post it next to the citations as soon as the time, date, and place of the informal conference have been determined.

Be sure to bring to the conference with you any and all supporting documentation of existing conditions as well as of any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Sincerely,

James E. Washen

W William M. Murphy
Area Director

Enclosures

NOTICE TO EMPLOYEES

An informal conference has been scheduled with OSHA to discuss the citations issued on September 14, 1988. The conference will be held at the OSHA office located at Federal Office Building - Room 4028, Cincinnati, Ohio 45202 on _____ at _____.

NOTICE

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, penalties, and fees to cover the administrative costs of collecting delinquent penalties for violations of the Occupational Safety and Health Act.

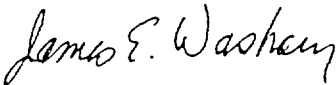
Interest charges are assessed at an annual rate determined by the Secretary of the Treasury. This rate is currently 6%.

Interest shall accrue from the date on which the citation and penalty (as proposed or adjusted) became a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the citation and proposed penalty, unless you file a notice of contest). Interest charges shall be waived if the full amount owed is paid within 30 days of the final order.

After 30 calendar days, the debt shall be delinquent unless a satisfactory payment arrangement has been made. Agencies of the Department of Labor are required to assess the administrative costs of recovering delinquent debts. If the debt remains delinquent for more than 90 calendar days, an additional penalty of six percent (6%) per annum shall be assessed accruing from the date that the debt became delinquent.

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties shown on the citation. Make your check or money order payable to: "DOL- OSHA." Please indicate OSHA's Inspection Number and Reporting ID (see citation) on the remittance.

Sincerely,



 William M. Murphy
Area Director

Date: September 14, 1988

U.S. Department of Labor
Occupational Safety and Health Administration



Citation and Notification of Penalty
U.S. Department of Labor - OSHA
Federal Office Building - Room 4028
50 Main Street
Cincinnati, OH 45202

3. Issuance Date 09/14/88	4. Inspection Number 101318756
5. Reporting ID 0522000	6. CSHO ID W9820
7. Optional Report No. 450	8. Page No. 1 of 2

The violation(s) 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.

10. Inspection Date(s):

8/17/88 - 8/17/88

1. Type of Violation(s)	2. Citation Number
Serious	01

11. Inspection Site:

1801 Crawford St.
Middletown, OH 45042

9. To:

McGraw Construction Company, Inc.
and its successors
P.O. Box 370
Middletown, OH 45042
Attn: President

Certified Mail No. 984482
Return Receipt Requested

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

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 abate 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 rights and responsibilities and should be read in conjunction with this form.) You are further notified that unless you inform the Area Director in writing that you intend to contest the Citation or proposed penalties within 15 working days after receipt, this Citation and the proposed penalties will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the Citation is affirmed by the Review Commission.

12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
1	29 CFR 1926.21(b)(2):	The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury: (a) Laborers working at Armco Inc.'s Middletown Works Door 661, removing refractory material contaminated in some places with asbestos from aluminizing Pot A during the period August 2-10, 1988, were not advised of the presence of asbestos or the OSHA regulations involving asbestos, 29 CFR 1926.58.	Immediately Upon Receipt	800.00

McGCon 2316

17. Area Director William M. Murphy - Area Director

James E. Washburn

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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 RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and

Penalties Are Due Within 15 Days of Receipt of This Notification. Unless Contested (See enclosed Booklet)

This Section May Be Detached Before Posting

To: Pen: for 1 Cita Make C Money Payat "DOL" Indi Inap Nur Remi

U.S. Department of Labor
Occupational Safety and Health Administration



Citation and Notification of Penalty
US Department of Labor - OSHA
Federal Office Building - Room 4028
550 Main Street
Cincinnati, OH 45202

3. Issuance Date 09/14/88	4. Inspection Number 101318756
5. Reporting ID 0522000	6. CSHO ID W9820
7. Optional Report No. 450	8. Page No. 2 of 2

The violation(s) 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.

10. Inspection Date(s):

8/17/88 - 8/17/88

11. Inspection Site:

1801 Crawford St.
Middletown, OH 45042

9. To:

McGraw Construction Company, Inc.
and its successors
P.O. Box 370
Middletown, OH 45042

Penalty
Due Within 1
Days of
Receipt of This
Notification.
Unless
Contested
(See
enclosed
Booklet)

This Section
May Be
Detached
Before
Posting

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

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12. Item Number	13. Standard, Regulation or Section of the Act Violated	14. Description	15. Date by Which Violation Must Be Abated	16. Penalty
2	29 CFR 1926.58(e)(1):	The employer did not establish a regulated area in work areas where airborne concentrations of asbestos exceeded or could reasonably be expected to exceed the permissible exposure limit of 0.2 fibers per cubic centimeter as averaged over an 8-hour workshift.	Immediately Upon Receipt	800.
	(a) During the teardown of Pot A at No. 4 Aluminizing Line, Door 661 at Armco Inc.'s Middletown Works, employees were exposed to dry asbestos material during its removal where compressed air was used and no regulated area was established.			
3	29 CFR 1926.58(f)(1)(i):	The employer did not perform air monitoring to accurately determine the airborne concentrations of asbestos to which employees were exposed.	Immediately Upon Receipt	800
	(a) The laborers involved in the removal of refractory material contaminated with asbestos from August 2-10, 1988, at Armco Inc's Middletown Works, Door 661, Pot A, were not monitored to determine their exposure to airborne asbestos concentrations.			
			McGCon 2317	

17. Area Director
William M. Murphy - Area Director

James E. Washburn

18.
\$ 2400

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.

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EMPLOYER RIGHTS AND RESPONSIBILITIES — The enclosed booklet outlines employer rights and responsibilities and should be read in conjunction with this notification

Total
Penalty
for 1
Citation
Make Check
Money Order
Payable to
"DOL"
Indicate
Number
of
Remittances