

BRADLEY & MERRELL
c/o JONES, JONES, CLOSE & BROWN, CHARTERED
Seventh Floor — Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6026
(702) 385-4202

MESSAGE FROM XEROX 7024: (702) 385-1655

DATE: 2-24-93

TO: John L. Thorndal, Esq. **FAX #:** (702) 366-0327

PHONE #: (702) 366-0622

TO: David R. Clayson, Esq. **FAX #:** (702) 385-7000

PHONE #: (702) 384-7000

TO: Bruce A. Featherstone, Esq. **FAX #:** (303) 291-3334

PHONE #: (303) 291-3000

TO: Steven R. Kuney, Esq. **FAX #:** (202) 434-5029

PHONE #: (202) 434-5843

TO: Arvin Maskin, Esq. **FAX #:** (212) 310-8007

PHONE #: (212) 310-8000

FROM: PAUL MERRELL

CLIENT/MATTER: Nevada Power v. Monsanto, et al.

CLIENT/MATTER NO.: 11927.2

DOCUMENT(S) DESCRIPTION:

NUMBER OF PAGES (including cover page): 2

MESSAGE:

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please call (702) 385-4202 and ask for: Robert Osterloh, Ext. 615

TRANSMIT CONFIRMATION REPORT

NO.	:	003	
RECEIVER	:		7023660327
TRANSMITTER	:	BRADLEY * MERRELL	
DATE	:	FEB 24'93	10:41
DURATION	:	01'02	
MODE	:	STD	
PAGES	:	02	
RESULT	:	OK	

FEB 22' ~ FEB 24'

ACTIVITY REPORT <SEND>

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012	Executive Offices	STD	22,15:07	00'38	01	* OK	SEND
013	7023660327	STD	22,15:21	02'22	05	* OK	SEND
014	7023857000	STD	22,17:24	01'15	02	OK	SEND
015	Executive Offices	STD	22,17:27	01'00	02	* OK	SEND
016	314 331 9029	STD	22,17:53	06'17	15	* OK	SEND
017	812 336 5307	STD	22,18:17	01'29	02	OK	SEND
018	314 331 9029	STD	22,18:39	00'59	02	* OK	SEND
001	13144210239	STD	23,08:16	01'44	04	* OK	SEND
002	214 520 1181	STD	23,10:08	02'09	04	OK	SEND
003	615 791 6567	STD	23,11:19	01'30	02	OK	SEND
004	13144210239	STD	23,13:33	02'01	04	* OK	SEND
005	13144210239	STD	23,14:31	13'07	20	T.4.1	SEND
006	13144210239	STD	23,14:47	00'00	00	D.O.O	SEND
007	13144210239	STD	23,14:55	18'32	30	OK	SEND
008	314 331 9029	STD	23,17:09	14'10	26	* OK	SEND
001	615 791 6567	STD	24,10:07	01'44	03	OK	SEND
002	303 291 3334	STD	24,10:37	01'03	02	* OK	SEND
003	7023660327	STD	24,10:40	01'02	02	* OK	SEND

ACTIVITY REPORT <RECEIVE>

NO.	REMOTE STATION	MODE	START	DURATION	PAGES	RESULT	NOTE
002	314 331 9029	STD	22,19:21	01'21	02	* OK	
001	615 791 6567	STD	23,07:15	09'15	10	OK	
002	615 791 6567	STD	23,08:11	00'56	01	OK	
003	503 528 7151	STD	23,14:14	00'44	01	OK	
004	Executive Offices	STD	23,15:36	03'05	03	* OK	
001	18004513376	STD	24,08:40	12'15	23	OK	MEMORY
002	18004513376	STD	24,09:19	04'11	07	OK	

ATTORNEY WORK PRODUCTFebruary 24, 1993
IE-3759

Bradley and Merrell
c/o Jones, Jones, Close and Brown, P.C.
Seventh Floor, Bank of America Plaza
300 South Fourth Street
Las Vegas, Nevada 89101-6026

Attention: Ralph A. Bradley

Gentlemen:

This letter plus two enclosures constitute my reply to the letter to me from Mr. Ralph A. Bradley dated February 19, 1993. I believe that this letter addresses the questions posed as well as I can without significant expenditure of effort. In preparing this response, I have made two assumptions as follows: (1) Mr. Bradley's reference to "PCB contaminated dielectric fluid" referred to actual Askarel fluid originally used in PCB-containing transformers and capacitors and not mineral oil or other coolant which had been inadvertently contaminated with PCBs; and (2) the time period subsequent to 1971 is of significance to your case.

In 1975, there were 17 companies producing Askarel (PCB-containing) capacitors at 19 plants in the United States, and there were 13 companies producing Askarel transformers at 18 plants in the United States. Versar Inc., under EPA contract, performed a survey of the production and PCB-handling processes of all of these plants during 1974-1976 as a portion of a major survey and analysis of regulatory alternatives and environmental risks associated with PCBs. I was the Project Manager for the entire program.

We contacted 10 of the largest capacitor companies, obtained detailed data on six plants and visited four. In my opinion, all of these plants purchased all of their PCBs from Monsanto; specifically, the PCB mixtures were brought in by tank car, large quantities were used, and we found no indication that imported PCBs were ever used at any of the plants.

We contacted all 13 of the transformer plants and visited two. Askarel (PCBs plus trichlorobenzene) was brought in via tank car for all but the smallest operations, who used 55-gallon drums to transport the Askarel. We found no indication that imported PCBs were used at any plant.

The above is contained in Sections 3.1 and 3.2 of NTIS PB252-012, a copy of which (in Versar final report format) I am enclosing. The capacitor plants are listed on page 69, and the transformer plants are on page 89. I think it likely that some of the companies listed in your letter did not manufacture PCB-containing equipment in 1975, specifically Ohio Brass, Packard, RTE, and Bear State, and possibly others not listed in my report. Of course, many of these companies have changed hands, and I do not have a definite time period covered by your case. In 1978, RTE reported to EPA that they had never used PCBs in their manufacturing plant. Purchases from ITE may have been switchgear (not specifically capacitors or transformers) which may or may not have contained PCBs.



ATTORNEY WORK PRODUCT

Ralph A. Bradley
February 24, 1993
Page 2

Our research turned up one other U.S. company which produced PCBs for sale, Geneva Industries (Houston, Texas, I believe). Geneva sold about one million pounds of PCBs during 1972-1974, but our information indicates that this was for heat transfer systems and not electrical applications.

We also can approach the data on PCB imports with respect to applications. During 1976 and 1977, we looked at the impacts of a ban on PCB imports, and the report from that work, EPA 560/6-77-007, contains data relevant to your question. The cover page of that report and Table 2.1-1 are enclosed herein. The data on Table 2.1-1 cover all PCB imports from 1972 through 1976. I believe that, prior to 1972, Monsanto was the only source utilized by domestic PCB users, whether for electrical equipment, heat transfer systems, hydraulic systems, or "open" applications such as paint and carbonless copy paper. Monsanto announced limitations on sales for all but electrical systems in 1971, and these took effect in 1972, prompting users other than transformer and capacitor manufacturers to stop using PCBs or use imports.

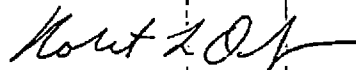
DAVID
SHALK

Japan had banned PCB usage around 1971, and excess Japanese PCBs were imported into the United States for use in heat transfer systems in 1972, and only in that year, according to our best information. Of the other imports listed in Table 2.1-1, I believe that none were used in the manufacture of capacitors and transformers by the companies listed in your letter. All imports to Pittsburgh were to Joy Manufacturing Company to be used in mining machines. The decachlorobiphenyl imported into Chicago was used in investment casting, and I believe that the rest of the PCB imports were used in heat transfer systems. As an aside, Therminol (from Canada, May 14, 1975) is a Monsanto trademark.

Subsequent to 1976, the PCB Ban Regulation prevented further importation, and Monsanto stopped production about 1977. Probably the only stockpiled PCBs still around at that time were in transformer repair/service shops (from Monsanto) and service shops for the Joy mining machines.

If there are any questions regarding this letter or the enclosures, please call. I believe that further searching of our files could shed light on which companies on your list used PCBs, although some of the information is under CBI. There also were ASTM standards, NFPA codes, etc. which specified properties met only by Monsanto products. Let me know if you wish information on these.

Sincerely,



Robert L. Durfee
President
GEOMET Technologies, Inc.

RLD:jw

Enclosures



MEMORANDUM

TO: Jane Saginaw (via Telecopy)
FROM: Paul Merrell *PM*
RE: Nevada Power Company v. Monsanto Company, et al.:
DATE: February 24, 1993

Enclosed please find a draft brief which John Field has prepared regarding the Westinghouse document describing their plans to destroy documents that could create toxic tort liability. I have not had an opportunity to read it yet.

I noticed from the materials you sent that there were two documents at issue that your judge said showed an intent to defraud opposing litigants. Would it be possible to get a copy of the second document as well? Also, I noted that there were testimonies by several Westinghouse people on the privilege claim, including the signatories to the Westinghouse document. Would it be possible to obtain those as well?

PEM:dd