



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
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HYATTSVILLE, MARYLAND 20782
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JEFFREY E. SILVER

October 28, 1977

Marshall H. Harris, Regional Solicitor
14480 Gateway Building
3535 Market Street
Philadelphia, Pennsylvania 19104
Attn: Regina M. Kossek, Esq.

Jeffrey E. Silver, Esq.
NL Industries, Inc.
Office of General Counsel
1230 Avenue of the Americas
New York, New York 10020

Re: NL Industries, Inc. v. Secretary of Labor
Docket No. 77-2539-P

Gentlemen:

Please find enclosed an Order entered in the referenced matter
this date.

Sincerely,

William E. Brennan
WILLIAM E. BRENNAN
Adm. Law Judge, OSHRC

cc: Docket No. 77-2539-P

*Howard
Agan - new attorney
rehabilitating & finding
problem*

~~Pre Hearing Conf~~
Call Kossek
not enough time
Under #2
our w's if
needed
+ plant managers on how many points
on steps taken & what they did
Dan Huley
Talked to
only legal issues - -ok
pre hearing conf.
to resolve ok
Union s'ce rep.
on no objection

N 27293

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

NL INDUSTRIES, INC. :

Petitioner :

v. :

SECRETARY OF LABOR :

Respondent :

PREHEARING ORDER

AND

NOTICE OF HEARING

: OSHRC DOCKET NO. 77-2539-P

Pursuant to the provisions of the Administrative Procedure Act and the Rules of Procedure of the Occupational Safety and Health Review Commission (29 C.F.R. 2200.1 et seq.),^{1/} the parties herein are hereby directed as follows:

1. The hearing in this matter is hereby scheduled to commence at 10:00 a.m., November 14, 1977, at the U. S. Occupational Safety and Health Review Commission Courtroom, Room 2216, Second Floor, Court Towers Building, 601 Market Street, Philadelphia, Pennsylvania.
2. Each of the parties shall exchange by mail postmarked not later than November 7, 1977, the following material:
 - a. The name and address of each witness it proposes to produce and a brief summary of the testimony such witness is expected to furnish.
 - b. The name, address and curriculum vitae of each expert witness it proposes to produce; a brief summary of the testimony

^{1/} The attention of the parties is particularly directed to Commission Rules 34 and 101, 29 C.F.R. 2200.34 (as amended at 40 F.R. 3594, January 23, 1975) and 2200.101.

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he is expected to furnish; the titles and dates of his publications and a copy of each of such publications upon which he will rely or to which he will refer.

c. A copy of each document which it proposes to offer in evidence.

3. For use at the hearing, the original and four copies of each document shall be made available.
4. Each party shall exchange by mail, to be postmarked not later than the date set forth in paragraph 2 hereof, its formulation of the issues to be tried at the hearing, with a copy to the undersigned.
5. Both parties shall communicate with each other before the hearing herein to ascertain whether any settlement, stipulations, or admissions are possible.
6. The employer is hereby required to post notice of the time and place of the hearing in order to afford affected employees or their representatives, an opportunity to participate as parties therein.
7. If there is no disagreement among the parties of record as to all essential facts, and the dispute herein involves only a question or questions of law, said parties may submit a joint stipulation as to said facts and a waiver of the right to a hearing. Thereafter, said parties shall submit their briefs on the contested legal issues and a decision will be rendered upon the written record and briefs.

*Kosach
any dispute
on facts*

8. If the foregoing method of determining the contested legal issues in this case is selected by the parties, the joint stipulation of facts shall be mailed to the undersigned on or before the date set out in paragraph number 2 hereof, and briefs shall be filed no later than 30 days thereafter.
9. If this case is settled, written notice thereof shall be mailed, so as to be RECEIVED in this office, on or before three days prior to the date this case is set for hearing. Thereafter, fully executed Settlement documents, complying with the requirements set forth in Secretary of Labor v. Dawson Brothers Mechanical Contractors, 1 OSAHRC 386 (February 22, 1972), shall be filed, so as to be RECEIVED in this office, 30 days from the date set forth in paragraph 1 hereof.

William E. Brennan
WILLIAM E. BRENNAN
Adm. Law Judge, OSHRC

Dated: October 28, 1977
Hyattsville, Maryland