

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NEW YORK

JOHN SYMS, EILEEN SYMS,
 THE SOMERSET GROUP, INC.,
 UNITOOL CORPORATION,
 LEW-PORT CONSTRUCTION CORPORATION,
 C&S MACHINERY CORPORATION,
 SYMS EQUIPMENT RENTAL CORPORATION and
 LEW-PORT ELECTRIC CORPORATION,

Plaintiffs,

vs.

OLIN CORPORATION,
 UNITED STATES DEPARTMENT OF DEFENSE,
 WILLIAM COHEN, in his official capacity as
 SECRETARY OF DEFENSE
 UNITED STATES DEPARTMENT OF THE ARMY
 LOUIS CALDERA, in his official capacity as
 SECRETARY OF THE ARMY
 UNITED STATES DEPARTMENT OF AIR FORCE,
 F. WHITTEN PETERS, in his official capacity as
 SECRETARY OF THE AIR FORCE,
 UNITED STATES NUCLEAR REGULATORY
 COMMISSION,
 RICHARD MESERVE, in his official capacity as
 CHAIRMAN of the UNITED STATES NUCLEAR
 REGULATORY COMMISSION, and
 THE UNITED STATES OF AMERICA,

Defendants.

FIRST SET OF
 INTERROGATORIES
 AND NOTICE TO
 PRODUCE DOCUMENTS
 AND THINGS TO
 THE GOVERNMENT
 DEFENDANTS

Civil Action No.:
 00-CV-732A(F)

PLEASE TAKE NOTICE that Plaintiffs JOHN SYMS, EILEEN SYMS, THE SOMERSET GROUP, INC., UNITOOL CORPORATION LEW-PORT CONSTRUCTION, C&S MACHINERY CORPORATION, SYMS EQUIPMENT RENTAL CORPORATION and LEW-PORT ELECTRIC CORPORATION (collectively the "Plaintiffs"), pursuant to Rules 26, 33 and 34 of the Federal Rules of Civil Procedure, by their attorneys, KNAUF, KOEGEL & SHAW, LLP, and RONALD L. KUIS, ESQ., hereby request that Defendants UNITED STATES DEPARTMENT OF DEFENSE,

WILLIAM COHEN, in his official capacity as SECRETARY OF DEFENSE, UNITED STATES DEPARTMENT OF THE ARMY, LOUIS CALDERA, in his official capacity as SECRETARY OF THE ARMY, UNITED STATES DEPARTMENT OF AIR FORCE, F. WHITTEN PETERS, in his official capacity as SECRETARY OF THE AIR FORCE, UNITED STATES NUCLEAR REGULATORY COMMISSION, RICHARD MESERVE, in his official capacity as CHAIRMAN OF THE UNITED STATES NUCLEAR REGULATORY COMMISSION, and THE UNITED STATES OF AMERICA (collectively the "Government Defendants") respond to the following First Set of Interrogatories separately in writing under oath, and produce all Documents and things responsive to the following First Notice to Produce Documents and Things in the possession, custody, or control of the Government Defendants, their agents, attorneys, consultants, or other representatives, at the law offices of KNAUF KOEGEL & SHAW, LLP, 183 East Main Street, Suite 1250, Rochester, New York 14604, within thirty (30) days of the date of this request, in accordance with the following instructions and definitions.

PLEASE TAKE FURTHER NOTICE that, in the event of your failure to comply, you may be precluded from introducing into evidence, and from otherwise using, each of the Documents and things described and requested upon the trial of this action.

INSTRUCTIONS

1. If an interrogatory or request to produce, or a part of such an interrogatory or request is objected to based upon a claim of any privilege, identify the nature and basis of the privilege (including work product) being claimed. In addition, for each objection based on a claim of any privilege, provide the following information:

(A) For Documents:

- (1) the nature or type of Document;
- (2) the general subject matter of the Document;
- (3) the Date of the Document; and
- (4) the identity of the author and each and every recipient of the Document, and where not apparent, the relationship of the author and the recipient to each other.

(B) For oral communications:

- (1) the name of the Person making the communications;
- (2) the names of the Person(s) present when the communication was made, and where not apparent, the relationship of the Person(s) present to the Person(s) making the communication;
- (3) the Date and place of the communication; and
- (4) the subject matter of the communication.

2. Each interrogatory and each subpart of each interrogatory shall be accorded a separate answer. Each answer shall first set forth verbatim the interrogatory to which it is responsive. Interrogatories or subparts shall not be combined for the purpose of supplying a common answer. The answer to an interrogatory or a subpart shall not be supplied by referring to the answer to another interrogatory or subpart thereof, unless the interrogatory or subpart referred to supplies a complete and accurate answer to the interrogatory or subpart being answered.

3. Use of the singular shall include the plural and vice-versa, and use of one gender shall include the others.

4. Answers to interrogatories should include all information known through the Date of verification but these Interrogatories and the Notice to Produce Documents and Things are continuing, and to the extent that the answers may be enlarged, diminished or otherwise modified

by information acquired by you subsequent to the filing of your initial answers, you are required to serve them and file supplemental answers or documents setting forth such information.

5. Attach all Documents which refer to or relate in any way to each of your answers to each interrogatory or any subpart.

DEFINITIONS

For the purposes of these interrogatories and this notice to produce, the following definitions should be used:

1. The terms "you," "your" or "Government Defendants" means United States Department of Defense, William Cohen, in his official capacity as Secretary of Defense, United States Department of the Army, Louis Caldera, in his official capacity as Secretary of the Army, United States Department of Air Force, F. Whitten Peters, in his official capacity as Secretary of the Air Force, United States Nuclear Regulatory Commission, Richard Meserve, in his official capacity as Chairman of the United States Nuclear Regulatory Commission, and the United States of America, and any of their predecessors, subsidiaries or affiliated agencies, branches of the military corporations, and anyone formerly or presently acting or purporting to act on their behalf, including officers, directors, agents, employees, servants and/or contractors.

2. The term "Asbestos" means asbestos regulated as a hazardous substance by the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. §99601 *et seq.*, and/or as a hazardous air pollutant by section 112 (42 U.S.C. §7412) of the Clean Air Act, 42 U.S.C. §§7401, *et seq.* (the "Clean Air Act"), asbestos-containing waste material as defined under 40 CFR Part 61, any naturally occurring hydrated silicate separable into commercially usable fibers, including chrysolite (serpentine), amosite, (cumingtonie-grunerite), crocidolite

(riebeckite) termolite, anthophyllite, antinolite, and asbestos as defined under 12 N.Y.C.R.R. Part 56 Released on, at, under, in the vicinity of or migrating onto or from the LOOW.

3. The term "attach," when used with the word "Document," shall mean produce any Document for inspection and/or reproduction to Plaintiffs' counsel or affix copies to your response at your option.

4. The term "Biological Substances" means substances resulting from biological warfare or biological warfare experimentation or research, including, but not limited to, phosgene gas and phenanthrene, Released on, at, under, in the vicinity of or migrating onto or from the LOOW.

5. The term "Contaminants" means Hazardous Substances, Asbestos, Petroleum Explosive Substances, polychlorinated biphenyls ("PCBs"), phthalate substances, heavy metals chlorinated solvents/volatile organic compounds, semi-volatile organic compounds, Radioactive Substances, Biological Substances or any other substances, materials or contaminants Released, discharged, disposed of or otherwise artificially located in the environment on, at, under, in the vicinity of or migrating onto or from the LOOW.

6. The term "Contamination" shall mean the presence, in any concentration or level, of Contaminants on, at, under, in the vicinity of or migrating onto or from the LOOW in land, ground surface soil, subsurface soil, building materials, surface waters, ground waters, perched waters, bedrock or bedrock ground waters, drains, sewers, trenches, pipes, catch basins, or lift stations.

7. The term "Date" shall mean to provide the exact date, month and year; if such information cannot be ascertained, it shall mean the best approximation.

8. The term "Disposal System" means the various Tanks, pipes, lines, drains, ditches, sewers, landfills, lift stations and or any other apparatus or means by which Hazardous Substances

and/or other Contaminants were Released on, at, under, in the vicinity of or through the Origins Site.

9. The term "Distribution System" shall mean all Tanks, pipes, lines, fill ports, pump and other equipment and/or conduits, ditches, drains, sewers, landfills, lift stations, trenches, fill pipes or catch basins used at one time to store, dispense and/or distribute any Hazardous Substance and/or other Contaminants in any form on, at, under, in the vicinity of or through the Original Site

10. The terms "Document" or "Documents", but not be limited to, all originals and identical or non-identical copies (whether by reason of alterations or of marginal notes), regardless of origin or location, whether printed, written, recorded, typed, reproduced, handwritten or in electronic or computerized form, photographed, or recorded (electrically, electronically magnetically, graphically, mechanically or otherwise), executed or not, and whether or not such Documents were prepared by or for you, in Defendants' possession, custody, or control regardless of where located, of correspondence, memoranda, reports, papers, communications, records, forms, notes, notations, letters, journals, diaries, statements, summaries, opinions, analyses, evaluations, lists, telegrams, telexes, facsimiles, test results, data, agreements, files, studies, messages, books, pamphlets, announcements, advertisements, brochures, publications, projections, manuals, circulars, bulletins, notices, instructions, minutes, agendas, schedules, charts, graphs, maps, diagrams, photographs, court papers, affidavits, pleadings, charges, checks, receipts, other evidence of payment, financial or business records, work papers, contracts, employee handbooks, price lists, client lists, statistical records, desk calendars, appointment books, tabulations, video or audio tapes, transcripts, recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings, microfilm, discs, hard drives, digitized information, e-mail, and any other writing

digitized information or communication permanently preserved, including data prepared, stored and retrieved electronically or by computer-assisted operation in the custody or control of you, or your representatives, all "writings" and "recordings" within the meaning of Rule 1001, of the Federal Rules of Evidence.

11. The term "Existing Site" shall mean the approximately 39-acre tract of land located within the former LOOW, known as Lew-Port Industrial Park, and currently owned by Somerset.

12. The term "Explosive Substances" means flammable explosives, reactive explosives, TNT, RDX, and any other explosive materials Released on, at, under, in the vicinity of or migrating onto or from the LOOW.

13. The term "Governmental Authority" shall mean any federal, state or municipal official, board, agency, or authority or other domestic governmental entity or official, including but not limited to the New York State Department of Environmental Conservation ("DEC"), the New York State Department of Health ("DOH"), the United States Environmental Protection Agency ("EPA"), the Erie County Health Department, the Town of Lewiston ("Lewiston"), the Town of Porter ("Porter"), the Town of Youngstown ("Youngstown"), Lewiston/Porter School District and local fire departments.

14. The term "Hazardous Substances" means, without regard to amount and/or concentration, any hazardous, extremely hazardous, or toxic substance, material or waste, regulated by any Governmental Authority, including without limitation any substance, material, or waste that is (i) defined as a "hazardous substance" under applicable federal state or local law; (ii) crude oil products, including without limitation petroleum, petroleum distillates, and petroleum products; (iii) asbestos as regulated by CERCLA and/or the Clean Air Act; (iv) designated as a "hazardous

substance” pursuant to section 311 of the Federal Water Pollution Control Act (“Clean Water Act”), 33 U.S.C. §§1251, *et seq.* (33 U.S.C. §1321); (v) defined as a “hazardous waste” pursuant to section 1004 of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§6901, *et seq.* (42 U.S.C. §6903) or New York Environmental Conservation Law (“ECL”) Article 27; (vi) defined as a “hazardous substance” pursuant to section 101 of CERCLA, 42 U.S.C. §§9601 *et seq.* (42 U.S.C. §9601); (vii) defined as a “hazardous substance” pursuant to ECL Article 37; (viii) defined as a “regulated substance” pursuant to section 9001 of RCRA (42 U.S.C. §6991); (ix) listed as an “extremely hazardous substance” under section 302 (42 U.S.C. § 11002) of the Emergency Planning and Community Right-To-Know Act (“EPCRA”), 42 U.S.C. §§11001, *et seq.*; (x) otherwise regulated under the Toxic Substances Control Act, 15 U.S.C. §§2601, *et seq.*, Hazardous Material: Transportation Act, 49 U.S.C. 991801, *et seq.*, or Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §136, *et seq.*; (xi) flammable explosives, reactive explosives, radon, methane, radioactive materials and substances, polychlorinated biphenyls (“PCBs”), and polyurethane foam insulation; and (xi) any materials or substances which are regulated under or defined as, or otherwise included in the definition, of “hazardous substances,” “hazardous materials,” “solid wastes,” “recyclable material,” “hazardous wastes,” “toxic substances,” “toxic pollutants,” “pollutants” or “contaminants” in any applicable Environmental Law or other Governmental Requirement, and constituents and degradation products of any of the above.

15. (a) The term “identify,” when used with reference to an individual Person, means to state his or her full name, present or last known address, and present or last known position or business affiliation held at the date relevant to the answer to the interrogatory.

(b) The term “identify,” when used in conjunction with the words “factual basis,”

shall mean to specify each fact, circumstance, existing condition, Document, occurrence, transaction, communication, statement, act or omission, activity or practice which supports an allegation of statement.

(c) The term “identify,” when used in conjunction with the words “communication” or “communications” shall mean to state the substance of a communication and the communicator, recipient, Date, place, each other Person present at, a party to, hearing or witnessing the communication, and shall include any oral, written, mechanical or visual contact between two or more Persons during which any information or Document was exchanged.

(d) The term “identify,” when used in conjunction with the terms “Document” or “Documents” shall mean to attach such Document to your response to these interrogatories. If such Document is not in your possession, describe the Document in detail, including its subject matter, date, author and recipient.

16. The term “**LOOW**” means Lake Ontario Ordnance Works, located in Niagara County, New York.

17. The term “**NFSS**” means Niagara Falls Storage Site, which consists of an approximately 191-acre site located within the LOOW that contains Radioactive Substances and other Contaminants.

18. The term “**Original Site**” shall mean the Existing Site and the adjacent approximately 93-acre parcel of land to the south of the Existing Site, originally owned by Somerset from approximately 1970 through 1980, and now or later reputedly owned or operated by Chemical Waste Management, Inc.

19. The term “**Person**” means, unless otherwise specified, any natural person, ar 1

individual, trust, estate, firm, joint venture, joint stock company, limited liability company corporation, not-for-profit corporation, community based organization, limited liability partnership partnership, association, state, municipality, commission, political subdivision, public corporation government entity, government agency, branch of the military, government employee or any interstate body of the United States of America.

20. The term "Petroleum" means oil, petroleum, petroleum distillates, petroleum products or petroleum-related substances of any kind and in any form including, but not limited to oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, lubrication oils and crude oils, gasoline, diesel and kerosene, including constituents or breakdown constituents thereof, and as defined under section 172(15) of the New York Navigation Law Released on, at, under, in the vicinity of or migrating onto or from the LOOW.

21. The term "Radioactive Substances" means any materials containing radioactive nuclides, or regulated by, or defined as radioactive materials, radioactive wastes, wastes, low or high level radioactive wastes, source material, special nuclear material, or by product material, by the Atomic Energy Act, 42 U.S.C. §§2011, *et seq.*, Low-Level Radioactive Waste Policy Act, 42 U.S.C. §§2021b, *et seq.*, or 6 N.Y.C.R.R. Parts 380, 381, 382 or 383, Released on, at, under, in the vicinity of or migrating onto or from the LOOW.

22. The term "Release" shall mean any intentional or unintentional act or omission resulting in the discharging, releasing, spilling, leaking, pumping, pouring, emitting, emptying, injecting, escaping, leaching, dumping or disposing of Hazardous Substances or Contaminants into or onto the environment, including land, ground, surface soil, subsurface soil, building materials surface waters, ground waters, perched waters, bedrock, bedrock ground waters, drains, sewers

trenches, pipes, catch basins or lift stations, including the abandonment or discarding of Tanks containing Hazardous Substances or Contaminants, and any Release as defined by section 101 of CERCLA, 42 U.S.C. § 9601.

23. The term 'Somerset' shall mean Plaintiff The Somerset Group, Inc., with an office located at the Existing Site.

24. The term "Tank" or "Tanks" shall mean and include any and all tanks, open or closed receptacles, barrels, containers, or holding vessels, and associated piping, whether aboveground or underground, used for storage as a Disposal System, Distribution System or for any other purpose in relation to Hazardous Substances and Contaminants on, at, under, in the vicinity of or running onto or from the Original Site.

FIRST SET OF INTERROGATORIES

1. Describe all Releases of Contaminants at the Original Site and at the LOOW.
2. Describe the nature and extent of Contamination at the Original Site and at the LOOW from 1966 to the present, including the type of Contaminants, the source of the Contaminants, and the levels of Contamination-
3. Describe all environmental response actions, including investigations and remediation, at the Original Site and at the LOOW.
4. Identify the factual basis for the allegation that Plaintiffs' claims are barred by the discretionary function exception to the Federal Tort Claims Act.
5. Describe the Date and manner, if ever, that (i) you, and (ii) Plaintiffs learned or were put on notice that any of the following substances were Released, discharged, disposed of or otherwise artificially located at the Existing Site or the Original Site: (a) Asbestos; (b) Explosive

Substances; (c) Radioactive Substances; (d) Biological Substances; (e) Hazardous Substances and (f) any other Contaminants.

6. Identify all communications between Plaintiffs and any Governmental Authorities related to the LOOW or the Original Site.

7. Identify any and all living Persons who are current or former employees of the Government Defendants, any Governmental Authority or Olin who possesses or may have possessed Documents, communications, knowledge or information regarding the former ownership and operation of the LOOW; the Original Site and the Existing Site; or actual, threatened or potential Releases, discharges or artificial placement of Hazardous Substances or other Contaminants at, on, under, in the vicinity of or migrating onto or from the Original Site or the LOOW, or into Disposal Systems or Distribution Systems.

8. Describe all relationships (contractual or otherwise) between the United States of America and Olin regarding operations conducted on the Original Site by Olin, including but not limited to ownership and operation of Air Force Plant 68 (a portion of which was on the Existing Site).

9. Identify the location and types of Contaminants Released, discharged or placed by Olin on the Original Site or into Disposal Systems or Distribution Systems at the Original Site, and in the area known as the Olin drum pit or trench pit (which according to reports is located in close proximity to Chemical Waste Management Landfill #7 and is defined as Operable Unit #2 by DEC)?

10. Why did the United States remove only the top six inches of Asbestos from portions of the Existing Site in 1998; was that Asbestos also radioactive in nature or mixed with Radioactive Substances; and if there is Asbestos remaining at the Existing Site, how much Asbestos remains a;

the Site, where is such material located and what depths, and is it radioactive or mixed with Radioactive Substances?

11. Has groundwater Contamination discovered at the Existing Site been delineated; and if so, describe the nature and characteristics of the groundwater, including flow direction, depth, characteristics of the impacted groundwater aquifer, impacts on bedrock groundwater, and Contamination off the Existing Site?

12. Identify which areas indicated on the 1955 memo and map from Occidental to Olin distributed by Plaintiffs' counsel at the March 7, 2001 RAB meeting, revealing burial locations of Radioactive Substances ("1955 Occidental-Olin Memo"), have been remediated, have not been remediated, and where any materials that have been remediated or removed are now located.

13. With respect to the sale (the "Fort Conti Sale") of an approximately 567+ acre parcel (the "Fort Conti Site") to the Fort Conti Corporation ("Fort Conti") in 1966, and the recommendation (the "Recommendation") by the General Services Administration to Plaintiff John Syms that he, on behalf of his various companies, consider purchasing a 132 acre portion of the Fort Conti Site in 1969: (a) why did you sell the Fort Conti Site to Fort Conti; (b) why was the Recommendation made to Plaintiffs; (c) were any disclosures in relation to the Contaminants made to Fort Conti at the time of the Fort Conti Sale or to the Plaintiffs at the time of the Recommendation; and (d) were any procedures, policies or protocols in place at the time that were applicable to the Fort Conti Sale or the Recommendation., and if so describe your compliance or noncompliance with those procedure. S, policies, and protocols?

14. Did you retain title to all of the Contaminants deposited at the LOOW, NFSS, and Original Site and if not, who took title to which of the Contaminants? d

15. With respect to raw data, laboratory summaries and/or results of the environmental investigation conducted on the Existing Site for the United States Army Corps of Engineers ("ACOE"): (a) why did and/or its contractors wait until January 2001 to provide Plaintiffs copies of the raw data, laboratory summaries and/or results compiled by Acres International in 1992; (b) did the data generated by this 1992 investigation form the basis for the more recent investigations conducted on the Existing Site between June 2000 and January 2001, and if so, why; (c) if not, why were these more recent investigations conducted; and (d) why did ACOE and/or its contractors wait to provide to Plaintiffs copies of the raw data, laboratory summaries and/or results of the June 2000 to January 2001 investigations until April 14, 2001?

FIRST NOTICE TO PRODUCE DOCUMENTS AND THINGS

1. Any and all Documents relating to Release, discharge, disposal of or otherwise, artificial placement of Contaminants, or other substances, or materials, including but not limited to Hazardous Substances, Explosive Substances, RDX, boron, lithium, potassium chloride, Asbestos, Petroleum, PCBs, phthalate substances, heavy metals, chlorinated solvents/volatile organic compounds, semi-volatile organic compounds, Radioactive Substances, phosgene gas, phenanthrene, or Biological Substances at the LOOW.

2. Any and all Documents relating to Release, discharge, disposal of or otherwise artificial placement of Contaminants, or other substances, or materials, including but not limited to Hazardous Substances, Explosive Substances, RDX, boron, lithium, potassium chloride, Asbestos, Petroleum, PCBs, phthalate substances, heavy metals, chlorinated solvents/volatile organic compounds, semi-volatile organic compounds, Radioactive Substances, phosgene gas, phenanthrene or Biological Substances at the Original Site and Existing Site.

3. Any and all Documents identifying the soil and groundwater Contamination at or formerly present at the Original Site, the Existing Site or the LOOW, including but not limited to

(A) Any and all raw data, data summary tables, including lab summary table reports, and accompanying maps revealing sample locations that correlate to the data, table: and reports regarding Contaminants.

(B) Final reports and data which reveal the level of Contaminants that remain or could be migrating onto the Existing Site.

(C) Any and all radioactive screening data results.

2. All data that led the ACOE to indicate in a March 1999 document distributed at the first RAB meeting that the Existing Site had lithium and RDX Contamination in groundwater.

3. Any and all Documents containing results of off-site sampling in the vicinity of the LOOW.

4. All data summary tables of the final raw data and a map revealing sample locations, which can be correlated to the data summary tables, from the investigation of the NFSS conducted in 1999 and 2000, which revealed exceedances outside of the NFSS, including but not limited to exceedances in the vicinity of the Central Drainage Ditch.

5. Any and all Documents identifying and delineating groundwater Contamination at the Existing Site, including, groundwater flow direction, depth of groundwater Contamination characteristics of the impacted groundwater aquifer, impact on the bedrock groundwater, and migration of groundwater Contamination off of the Existing Site.

6. Any and all Documents relating to any and all operations conducted at the Original Site and Existing Site, including but not limited to Air Force Plant 68 operations, and any

Contaminants Released, discharged, or placed, as a result of such operations, onto the land, or into Disposal Systems and Distribution Systems.

7. The Exhibits that were attached to the response by the United States Army, Air Force and Navy to an EPA 1979 questionnaire regarding LOOW.
8. A legible copy of the map attached to the 1955 Occidental-Olin Memo,
9. Any and all licenses and permits to operate the NFSS and the status of ACOE with respect to NFSS operations.
10. Any and all Documents related to procedures, policies or protocols in place between 1966 and 1970 related to the sale of excess property to private parties, or that were applicable to the Fort Conti Sale or the Recommendation.
11. Any and all Documents describing which entity or Person who has title to and/or responsibility for the investigation and remediation of Radioactive Substances at the LOOW.
12. Any and all Documents describing which entity or Person has title to and/or responsibility for the investigation and remediation of any non-Radioactive Contaminants at the LOOW.
13. Contact information for any and all living Persons identified in response to Interrogatory No. 7.
14. Any and all Documents related to ownership and/or operation of land or facilities at the LOOW by Olin.
15. Any and all Documents related to the Disposal Systems and Distribution Systems at the LOOW, including but not limited to, the Central Drainage Ditch, chemical waste lines and TNL waste lines.

16. Any and all Documents containing estimates of the costs of damages caused to the Existing Site.

17. All letters and other communications between Plaintiffs and any Governmental Authorities related to the LOOW or the Original Site.

18. Any and all Documents indicating to or putting on notice Plaintiffs, Olin or you that any of the following substances were Released, discharged, disposed of or otherwise artificially located at the Existing Site or the Original Site: (a) Asbestos; (b) Explosive Substances; (c) Radioactive Substances; (d) Biological Substances; (e) Hazardous Substances; and (f) any other Contaminants.

19. Copies of cassette tapes of the RAB meetings.

20. Any and all Documents that you used or referred to in your responses to Plaintiffs First Set of Interrogatories.

Dated: May 9, 2001



KNAUF, KOEGEL & SHAW, LLP

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CERTIFICATE OF SERVICE.

I certify that on May 9, 2001, the foregoing First Set of Interrogatories and Notice to Produce Documents and Things was served upon the Defendants by facsimile and by placing copies of same in the U.S. Mail, first class, postage pre-paid, addressed to the following counsel of record:

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