

MCWANE INC, d/b/a ATLANTIC STATES
CAST IRON PIPE CO.,

Petitioner,

v.

SECRETARY OF LABOR,

Respondent.

DOCKET Nos. 03-1450 & 03-1451

DECISION AND ORDER

The above captioned matters are contested petitions for modification of abatement before the Commission pursuant to section 10(c) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 659(c).

The petitions, filed on or about July 3, 2003, were denied by the OSHA Area Director on August 7, 2003 and docketed with the Commission on August 12, 2003. A preliminary telephone conference was held on August 27, 2003. On August 29, 2003, these matters are designated expedited proceedings.

As a result of diligent negotiation efforts of the parties, the matters have been resolved amicably. Accordingly, the matter before the Commission has been fully resolved.

On the basis of the agreement between the parties IT IS ORDERED THAT;

- 1) Petitioner's Petition for Modification of Abatement in Docket No. 03-1450 (Inspection No. 304727886) is withdrawn in regard to Citation 1, Item 3 and Citation 2, Item 1a.
- 2) Petitioner's Petition for Modification of Abatement in Docket No. 03-1451 (Inspection No. 113673248) is withdrawn as to Citation 2, Item 1a and Citation 3, Item 2.
- 3) Petitioner's Petition for Modification of Abatement in Docket No. 03-1450 (Inspection No. 304727886) as to Citation 2, Item 2, as adjusted to an abatement date of October 7, 2003, is GRANTED.

/s/

Michael H. Schoenfeld
Judge, OSHRC

Dated: October 30, 2003
Washington, D.C.