



UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
 One Lafayette Centre
 1120 20th Street, N.W. — 9th Floor
 Washington, DC 20036-3419

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 COM (202) 606-5100
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 COM (202) 606-5050
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SECRETARY OF LABOR,

Complainant,

v.

PENNSYLVANIA METALLURGICAL, INC.,

Respondent.

Docket Nos. 92-2550
 92-2924

ORDER

On December 6, 1994, the Secretary filed a notice of withdrawal of citation items in the above-captioned case. The Commission acknowledges receipt of the Secretary's notice of withdrawal and sets aside that portion of the administrative law judge's consent order pertaining to the withdrawn items. This is the final order of the Commission in this case. See 29 U.S.C. §§ 659(c), 660(a), and (b).

Stuart E. Weisberg
 Stuart E. Weisberg
 Chairman

Edwin G. Foulke, Jr.
 Edwin G. Foulke, Jr.
 Commissioner

Dated 12/16/94

Velma Montoya
 Velma Montoya
 Commissioner



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Respondent.

Docket Nos. 92-2550
92-2924

NOTICE OF COMMISSION DECISION

The attached order by the Occupational Safety and Health Review Commission was issued on December 16, 1994. **ANY PERSON ADVERSELY AFFECTED OR AGGRIEVED WHO WISHES TO OBTAIN REVIEW OF THIS ORDER MUST FILE A NOTICE OF APPEAL WITH THE APPROPRIATE FEDERAL COURT OF APPEALS WITHIN 60 DAYS OF THE DATE OF THIS DECISION.** See Section 11 of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 660.

FOR THE COMMISSION

Ray H. Darling, Jr.
Ray H. Darling, Jr.
Executive Secretary

December 16, 1994
Date

Docket Nos. 92-2550 & 92-2924

NOTICE IS GIVEN TO THE FOLLOWING:

Daniel J. Mick, Esq.
Counsel for Regional Trial Litigation
Office of the Solicitor, U.S. DOL
Room S4004
200 Constitution Ave., N.W.
Washington, D.C. 20210

Catherine Oliver Murphy
Deputy Regional Solicitor
Office of the Solicitor, U.S. DOL
14480 Gateway Building
3535 Market Street
Philadelphia, PA 19104

Russell L. Brewer, Esq.
Pennsylvania Metallurgical, Inc.
315 Columbus Street
P.O. Box 5337
Bethlehem, PA 18015-5337

Michael H. Schoenfeld
Administrative Law Judge
Occupational Safety and Health
Review Commission
One Lafayette Centre
1120 20th Street, Suite 990
Washington, D.C. 20036-3419



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SECRETARY OF LABOR
Complainant,

v.

PENNSYLVANIA METALLURGICAL, INC.
Respondent.

OSHR DOCKET
NOS. 92-2550
92-2924

**NOTICE OF DOCKETING
OF ADMINISTRATIVE LAW JUDGE'S DECISION**

The Administrative Law Judge's Report in the above referenced case was docketed with the Commission on January 10, 1994. The decision of the Judge will become a final order of the Commission on February 9, 1994 unless a Commission member directs review of the decision on or before that date. **ANY PARTY DESIRING REVIEW OF THE JUDGE'S DECISION BY THE COMMISSION MUST FILE A PETITION FOR DISCRETIONARY REVIEW.** Any such petition should be received by the Executive Secretary on or before January 31, 1994 in order to permit sufficient time for its review. See Commission Rule 91, 29 C.F.R. 2200.91.

All further pleadings or communications regarding this case shall be addressed to:

Executive Secretary
Occupational Safety and Health
Review Commission
1120 20th St. N.W., Suite 980
Washington, D.C. 20036-3419

Petitioning parties shall also mail a copy to:

Daniel J. Mick, Esq.
Counsel for Regional Trial Litigation
Office of the Solicitor, U.S. DOL
Room S4004
200 Constitution Avenue, N.W.
Washington, D.C. 20210

If a Direction for Review is issued by the Commission, then the Counsel for Regional Trial Litigation will represent the Department of Labor. Any party having questions about review rights may contact the Commission's Executive Secretary or call (202) 606-5400.

FOR THE COMMISSION

Ray H. Darling, Jr.
Executive Secretary

Date: January 10, 1994

DOCKET NOS. 92-2550 & 92-2924

NOTICE IS GIVEN TO THE FOLLOWING:

Daniel J. Mick, Esq.
Counsel for Regional Trial Litigation
Office of the Solicitor, U.S. DOL
Room S4004
200 Constitution Ave., N.W.
Washington, D.C. 20210

Marshall H. Harris, Esq.
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Michael H. Schoenfeld
Administrative Law Judge
Occupational Safety and Health
Review Commission
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1120 20th St. N.W., Suite 990
Washington, DC 20036 3419

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UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

ROBERT B. REICH, SECRETARY OF LABOR, :
UNITED STATES DEPARTMENT OF LABOR : OSHRC DOCKET
 : NOS. 92-2550 and
 Complainant, : 92-2924
 :
 v. : INSPECTION
 : NOS. 102933421 and
 : 110049798
 PENNSYLVANIA METALLURGICAL, INC. :
 and its successors, :
 Respondent. : REGION III

CONSENT ORDER

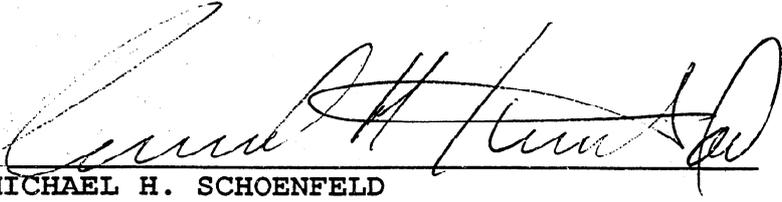
The items and Citations which have been settled between the parties are: Docket 92-2550, Other Citation Number 3, Item 3; and Docket 92-2924, Serious Citation Number 1, Items 1, 3a, and 3b and Other Citation Number 2, Items 1, 2, and 3. It is therefore ORDERED that:

1. This partial settlement agreement with respect to the above listed items and Citations is approved and the terms thereof are incorporated into this order.

2. The above listed citation items and the amended proposed penalties as to which Respondent has withdrawn its Notice of contest are affirmed as they have been modified in the settlement agreement.

3. The total penalty associated with these affirmed citation items amounts to \$1,137.00. Respondent shall pay said penalty in accordance with the terms of the settlement agreement.

4. As to the remaining items and Citations, Docket 92-2550, Citation Number 1, Items 1, 2a, 2b, 2c, 2d, 2e, 3, and 4; Citation Number 2, Items 1, 2a and 2b; Citation Number 3, Items 1 and 2 and Docket 92-2924, Citation No. 1, Items 2a, 2b, 2c, and 2d, and the penalties proposed for them, these said items and penalties are affirmed as amended based on the Order issued on July 22, 1993 denying Respondent's Motion to Suppress Evidence. Respondent retains the right to file a request for reconsideration by the Administrative Law Judge, a petition for discretionary review, and other appeals available to it.



MICHAEL H. SCHOENFELD
JUDGE, OSHRC

Dated: JAN 7 1994