

U.S. Department of Labor

Office of the Solicitor
3535 Market Street
Philadelphia, Pennsylvania 19104

Reply to the Attention of: Sol #
Telephone: 215-596

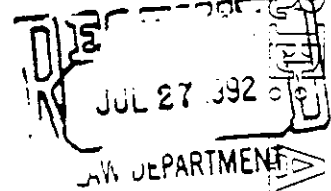
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Telecopier: 215-596
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July 22, 1992

Roger E. Wills, Jr., Esquire
Westinghouse Electric Corporation
Westinghouse Building
Gateway Center
Pittsburgh, Pennsylvania 15222



Re: Martin v. Westinghouse Electric Corporation
OSHRD Docket No. 92-1787, Inspection No. 116036062

Dear Mr. Wills:

Enclosed are the original and three copies of the Stipulation of Settlement and Final Consent Order, reflecting the terms for resolution of this matter previously agreed upon between the parties. Kindly execute the original and one copy of the Stipulation and return them to this office for filing with the Occupational Safety and Health Review Commission.

Extra copies of the Stipulation have been provided for posting and service on the affected employees and/or their representatives. Please note that there are blanks on the Stipulation which must be filled in by the Respondent.

This Stipulation should be forwarded to me as soon as possible. I would therefore appreciate your prompt attention to this matter.

Very truly yours,

Marshall H. Harris
Regional Solicitor

By:

Anita Eve Wright
Anita Eve Wright
Attorney

Enclosure

cc: The Honorable Irving Sommer (w/o encl.)

SOL:CR:jb



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d. Citation Number 1, Item 4. The violation cited in Item 4 and the penalty proposed therefor are vacated.

e. Citation Number 1, Item 5. The penalty proposed for Item 5 is reduced from \$1,500.00 to \$900.00.

f. Citation Number 1, Item 6. The violation cited in Item 6 and the penalty proposed therefor are vacated.

In support of the amendments set forth above, Complainant avers that upon review of the facts underlying the alleged violations, the proposed amendments are justified and appropriate.

2. Respondent hereby moves the Commission for an order to allow it to withdraw its Notice of Contest to the Citation and Notification of Proposed Penalty as amended by this Stipulation. In support of its motion, Respondent represents the following:

a. That the total reduced penalty of \$2,700.00 will be paid in full upon approval of the Stipulation by the Administrative Law Judge.

b. That complete abatement of the conditions noted in the Citation 1 and its items has been or will be accomplished.

c. In accordance with the provisions of Commission Rule 7, a copy of the Citation and Notification of Proposed Penalty was posted at Respondent's worksite.

d. That a copy of this Stipulation of Settlement has been posted in accordance with the requirements of 29 C.F.R. §§2200.7 and 2200.100(c) so as to provide notice to all affected employees at Westinghouse Electric Corporation

e. That in addition to the foregoing posting, a copy of this Stipulation was served on _____ (employee representative) on _____.

f. That Respondent agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970 (29 U.S.C. §651, et seq.), and the applicable safety standards promulgated pursuant to the Act.

g. That within thirty (30) days after the execution of the Stipulation of Settlement, respondent will submit to the Pittsburgh Area OSHA Office a letter containing a concise description of the actions taken to abate the hazards alleged in each of the items of the Citation to be affirmed by the Administrative Law Judge pursuant to this Stipulation of Settlement and the date on which such action occurred.

3. The Citation and Notification of Proposed Penalty, as amended by this Stipulation, shall become a final order of the Review Commission and the parties consent to the entry of the attached Final Consent Order.

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4. It is further agreed that each party shall bear its own costs, fees and other expenses incurred by such party at each and every stage of this proceeding.

WESTINGHOUSE ELECTRIC CORP.

Roger E. Wills, Jr., Esquire

Attorney for Respondent

Marshall J. Breger
Solicitor of Labor

Marshall H. Harris
Regional Solicitor

Anita Eve Wright
Attorney

U.S. DEPARTMENT OF LABOR

Attorneys for Complainant

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UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

LYNN MARTIN, SECRETARY OF LABOR, :
UNITED STATES DEPARTMENT OF LABOR, :
Complainant, : OSHRC DOCKET
 : NO. 92-1787
 :
v. :
 : INSPECTION NO.
 : 116036062
WESTINGHOUSE ELECTRIC CORPORATION, :
and its successors, : REGION III
 :
Respondent :

CONSENT ORDER APPROVING SETTLEMENT

The parties advise that all matters in dispute have been amicably resolved and agree to entry of the order set forth below. It is therefore ORDERED that:

1. The settlement agreement is approved and the terms thereof are incorporated into this order.
2. The citation items and proposed penalties are affirmed, modified, or vacated in accordance with the settlement agreement.
3. The total penalty associated with the affirmed citation items amounts to \$2,700.00. Respondent shall pay said penalty in accordance with the terms of the settlement agreement.

Irving Sommer
Judge, OSHRC

Dated:

4400597
IN RE: ABRAMS

DECEMBER 1992