United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3419

SECRETARY OF LABOR, Complainant, v. ORMET PRIMARY ALUMINUM CORPORATION, HANNIBAL REDUCTION DIVISION, Respondent.	:	OSHRC DOCKET NO. 99-1566

DECISION AND ORDER

This matter was remanded for consideration of the objections of The United Steelworkers of America to the settlement signed by the Complainant and Respondent. The objection of the Union, which was the authorized employee representative and had elected party status, was not before me when I approved the settlement agreement. The Union objects to the Complainant's withdrawal of two serious citation items pursuant to the settlement. In *Cuyahoga Valley Ry. Co., v. United Transp. Union*, 474 U.S. 3, 6 (1985), the Supreme Court held that the Secretary has unreviewable discretion to withdraw a citation. This being so, the Union's objection must fail. The settlement agreement is affirmed and the proceeding is dismissed.

SO ORDERED.

/s/
Ann Z. Cook
Judge, OSHRC

Dated: October 16, 2000
Washington, D.C.