

**UNITED STATES OF AMERICA
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**

SECRETARY OF LABOR,

Complainant,

v.

ARMCO, INC.,

Respondent

and

USWA, LOCAL 169

Authorized Employee Representative.

DOCKET NO. 98-0810

ORDER APPROVING SETTLEMENT

Pursuant to the Review Commission's February 3, 1999, Direction for Review and Remand Order, the undersigned has reviewed the contents of the objection, filed by the Union with respect to the settlement filed by the Secretary and Armco in the above-captioned matter. In a letter dated December 29, 1998, the Union states that the authorized employee representative did not sign the settlement because "foreman (sic) in the plant are being permitted to omit and/or alter existing lockout procedures", and that a "review of the lockout procedures outlined in the settlement agreement should be completed before any changes are made in those procedures". It is well settled that employees may object before the Commission only to the reasonableness of the period of time set forth in a settlement agreement for the abatement of the violations. See *General Electric Co.*, 14 BNA OSHC 1763, 1765 (No. 88- 2265, 1990), *Pan American World Airlines, Inc.*, 11 BNA OSHC 2003, 2004 (No. 83-249, 1984), and *American Cyanamid Co.*, 9

BNA OSHC 2052, 2053 (No. 77-3752, 1981). In view of the foregoing, the undersigned has determined that the Union has not raised any objections to the reasonableness of the abatement period set forth in the settlement agreement. Accordingly, the Commission has no jurisdiction to hear the Union's objections to the settlement agreement.

The terms and conditions of the executed settlement agreement filed on December 21, 1998, dispose of all matters at issue between the parties in this proceeding, and the agreement meets all criteria for Commission approval. The settlement agreement is accordingly approved and incorporated as part of this order. Pursuant to section 12(j) of the Act, this order will become a final order of the Commission at the expiration of thirty (30) days from the date of docketing by the Executive Secretary, unless within that time a member of the Commission directs its review.

Covette Rooney
Judge, OSHRC

Dated: 2/8/99
Washington, D.C.