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Jackson Lewis LLP  
10701 Parkridge Boulevard  
Suite 300  
Reston, VA 20191  
Tel 703 483-8300  
Fax 703 483-8301  
www.jacksonlewis.com

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MY DIRECT DIAL IS: 703.483.8316  
MY EMAIL ADDRESS IS: HAMMOCKB@JACKSONLEWIS.COM

November 2, 2010

VIA ELECTRONIC MAIL

John D. Smith  
Occupational Safety and Health Administration  
Frances Perkins Building  
200 Constitution Ave., NW  
Washington, DC 20210

Re: Information Correction Request for Salem Glass Company

Dear Mr. Smith:

On behalf of Salem Glass Company (Salem), I respectfully submit this Information Correction Request. Salem requests that the detail for Inspection 312908791 on OSHA's IMIS system be corrected to indicate that the last event in the inspection was "W-Withdrawn," as opposed to "ALJ Decision," which is currently listed on the system.<sup>1</sup> Salem's reasons for this request follow.

Inspection 312908791 – Salem Glass Company, attached as Exhibit A, reflects an investigation initiated by OSHA in October 2008. OSHA issued two citation items against Salem at the conclusion of that inspection, which Salem contested. As a result of discussions with Department of Labor officials regarding the case, DOL withdrew all citation items issued, as reflected in the "Withdrawal of Citation and Complaint" (attached as Exhibit B).

DOL filed the withdrawal with the Occupational Safety and Health Review Commission (Commission), as per Commission procedures. Administrative Law Judge Bober approved the settlement. However, Judge Bober issued no "decision" in the case and certainly did not rule on the merits of the citation items. Judge Bober's approval of the withdrawal was simply a procedural formality, given the timing of DOL's action. Indicating that this case was resolved by an ALJ Decision is thus incorrect and misleading to the public. It suggests that a decision on the merits of the case was made by an ALJ, after a hearing on the matter. That did not occur in this case as DOL withdrew all citations.

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<sup>1</sup> Salem submitted an earlier information correction request related to this inspection, asserting that the prior version of the IMIS Inspection Detail showing the last event as "F-Formal Settlement" was incorrect. Apparently, OSHA agreed with Salem's assertion; however, for the reasons set forth in this letter, OSHA has still not accurately recorded the last event.

Salem respectfully states that the correct annotation for the final event is in fact the one that occurred: DOL withdrew the citation items. To accurately reflect this last event, Salem requests that the last event be changed to "W-Withdrawn." Salem requests that this change be made in the main entry (Exhibit A), as well as in the violation item details, shown in Exhibit C.

Thank you for your consideration of this request. Please do not hesitate to contact me with any questions.

Sincerely,

JACKSON LEWIS LLP



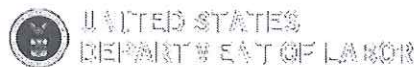
Bradford T. Hammock

cc: Jim Miller

Enclosures

4818-6752-7431, v. 1

# EXHIBIT A



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**Inspection: 312908791 - Salem Glass Company**

Inspection Information - Office: North Boston		
Nr: 312908791	Report ID:0134000	Open Date: 10/10/2008
Salem Glass Company 35 Gatehouse Drive Waltham, MA 02451 SIC: 1793/Glass and Glazing Work NAICS: 238150/Glass and Glazing Contractors Mailing: 1 Technology Way, Salem, MA 01970		
Inspection Type: Unprog Rel Scope: Partial Ownership: Private Safety/Health: Health Emphasis: L:Fall		Union Status: Union  Advanced Notice: N  Close Conference: 03/12/2009 Close Case: 02/26/2010
Optional Information: Type	ID	Value
N	1	312626013
Related Activity: Type	ID	Safety Health
Inspection 312626013		

	Violation Summary					Total
	Serious	Willful	Repeat	Other	Unclass	
Initial Violations	2					2
Current Violations						
Initial Penalty	7000					7000
Current Penalty						
FTA Amount						

Violation Items										
#	ID	Type	Standard	Issuance	Abate	Curr\$	Init\$	Fta\$	Contest	LastEvent
Deleted 1.	<u>01001</u>	Serious	19260021 B02	03/25/2009	03/31/2009	\$0	\$3500	\$0	04/17/2009 J - ALJ Decision	
Deleted 2.	<u>01002</u>	Serious	19260453 B02 I	03/25/2009	03/31/2009	\$0	\$3500	\$0	04/17/2009 J - ALJ Decision	

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# EXHIBIT B

UNITED STATES OF AMERICA

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

\*\*\*\*\*

SECRETARY OF LABOR, United States \*  
Department of Labor, \*

Complainant, \*

v. \*

SALEM GLASS COMPANY, \*

Respondent. \*

\*\*\*\*\*

DOCKET NO. 09-0643

REGION I

INSPECTION NO. 312908791

WITHDRAWAL OF CITATION AND COMPLAINT

Now comes the Complainant, Secretary of Labor, United States Department of Labor,  
and hereby withdraws Serious Citation 1, Items 1 and 2 and their penalties along with her  
Complaint which is the subject of the above captioned case.

Carol A. DeDeo  
Deputy Solicitor for National Operations

Michael D. Felsen  
Acting Regional Solicitor

Ralph R. Minichiello  
Attorney

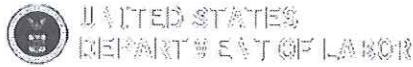
October 7, 2009

U.S. Department of Labor  
Attorneys for Complainant

Post Office Address  
U.S. Department of Labor  
Office of the Regional Solicitor  
JFK Federal Building – Room E-375  
Boston, Massachusetts 02203



# EXHIBIT C



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**Standard Cited:** 19260021 B02 *Safety training and education.*

This violation item has been **deleted**.

Violation Items			
Nr: 312908791	Citation: 01001	Issuance: 03/25/2009	ReportingID: 0134000
Viol Type: Serious	NrInstances: 1	Contest Date: 04/17/2009	
Abatement Date: 03/31/2009	Nr Exposed: 1	Final Order: 11/20/2009	
Initial Penalty: 3500.00	REC: A	Emphasis:	
Current Penalty:	Gravity: 10	Haz Category:	

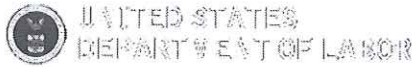
Penalty and Failure to Abate Event History						
Type	Event	Date	Penalty	abatement	Type	FTA Insp
Penalty J:	ALJ Decision	11/20/2009		03/31/2009	Serious	
Penalty Z:	Issued	03/25/2009	3500.00	03/31/2009	Serious	

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**Standard Cited:** 19260453 B02 I *Aerial lifts.*

This violation item has been **deleted**.

Violation Items			
Nr: 312908791	Citation: 01002	Issuance: 03/25/2009	ReportingID: 0134000
Viol Type: Serious	NrInstances: 1	Contest Date: 04/17/2009	
Abatement Date: 03/31/2009	Nr Exposed: 1	Final Order: 11/20/2009	
Initial Penalty: 3500.00	REC: A	Emphasis:	
Current Penalty:	Gravity: 10	Haz Category:	

Penalty and Failure to Abate Event History						
Type	Event	Date	Penalty	abatement	Type	FTA Insp
Penalty J:	ALJ Decision	11/20/2009		03/31/2009	Serious	
Penalty Z:	Issued	03/25/2009	3500.00	03/31/2009	Serious	

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