



## U.S. Chemical Safety and Hazard Investigation Board

### Office of General Counsel

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#### Memorandum

To: Board Members

From: Ray Porfiri *RP*

Cc: Leadership Team  
Rachael Gunaratnam

Subject: Board Action Report – Notation Item 634

Date: May 13, 2008

On May 6, 2008, the Board approved Notation Item 634, thereby designating Recommendations 2004-01-I-IN-R6 and R7 (to Hayes Lemmerz International) (from the Hayes Lemmerz investigation) with the status of Closed-Unacceptable Action. The dissent of the Board Member who voted to disapprove this item is attached.

#### Voting Summary – Notation Item 634

**Disposition: APPROVED**

**Disposition date: May 6, 2008**

	Approve	Disapprove	Calendar	Not Participating	Date
J. Bresland	X				4/29/2008
G. Visscher		X			5/6/2008
W. Wark	X				4/25/2008
W. Wright	X				4/23/2008

Notation No.: 634  
Subject: Status Change – Recommendations 2004-01-I-IN-R6 and R7

[continued from preceding page]

Therefore, pursuant to its authority, the Board hereby votes to designate Recommendations 2004-01-I-IN-R6 and R7 with the status of **Closed-Unacceptable Action**.

I **APPROVE** this notation item **AS PRESENTED**.  
 *Minor editorial suggestions are marked on attached pages.*

I **CALENDAR** this notation item for discussion at a Board meeting.  
 *Some of my concerns are discussed below or on the attached memorandum.*

I **DISAPPROVE** this notation item.  
 *A dissent is attached.*  
 *I will not file a dissent.*

I am **NOT PARTICIPATING**.

Date: May 6, 2008

Member: Gary Z. Vischer

The change in status is based on what was thought to be implied by the company's attorney's letter. Other interpretations of the letter appear possible, but we apparently did not seek clarification. So I don't think we have sufficient basis to ~~any~~ classify the response as unacceptable.