Memorandum

To: Board Members
From: Christopher Warner
Cc: Leadership Team

Subject: Board Action Report – Notation Item 612

Date: January 29, 2008

On January 22, 2008, the Board disapproved Notation Item 612, thereby not designating Recommendation 2006-07-I-MS-R3 with the status of Open-Unacceptable Response as proposed in the Notation Item. Board Member Wright’s comments are attached.

Voting Summary – Notation Item 612

Disposition: DISAPPROVED
Disposition date: January 22, 2008

<table>
<thead>
<tr>
<th>Name</th>
<th>Approve</th>
<th>Disapprove</th>
<th>Calendar</th>
<th>Not Participating</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>G. Visscher</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>1/22/2008</td>
</tr>
<tr>
<td>W. Wark</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>W. Wright</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>1/21/2008</td>
</tr>
</tbody>
</table>
Therefore, pursuant to its authority, the Board hereby votes to designate Recommendation 2006-07-I-MS-R3 with the status of Open-Unacceptable Response.

____ 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.

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

____ I am NOT PARTICIPATING.

Date: 21 JAN 2008

Member: [Signature]

I believe we can close this one based on the fact MSOAB has a notification program in place where they contact the owner of record. Further, I believe we can close this as superseded because the original recommendation was based on an agreement by MSOAB to accept the added responsibility, but now do not want to do so.