Memorandum

To: Board Members
From: Christopher Warner
Cc: Manuel Gomez
     Rachael Gunaratnam
     Christina Morgan

Subject: Board Action Report – Notation Item 800
Date: October 22, 2010

On September 23, 2010, the Board approved Notation Item 800, thereby designating Recommendation 2006-02-I-DE-R4, to Valero Energy Corporation (from the Valero Delaware City Refinery Investigation), with the status of Closed-Acceptable Action.

Voting Summary – Notation Item 800

Disposition: APPROVED
Disposition date: September 23, 2010

<table>
<thead>
<tr>
<th>Approve</th>
<th>Disapprove</th>
<th>Calendar</th>
<th>Not Participating</th>
<th>Date</th>
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<tr>
<td>R. Moure-Eraso</td>
<td>X</td>
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<td>J. Bresland</td>
<td>X</td>
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<td>9/30/2010</td>
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<td>M. Griffon</td>
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<td>W. Wark</td>
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<td>W. Wright</td>
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Notation No.: 800  
Voting Period: September 21 – October 5, 2010

Subject: Status Change – Recommendation to Valero Energy Corporation (2006-02-1-DE-R4) from the Valero Delaware City Refinery Investigation (2006-02-1-DE)

Whereas,

1. The Board is authorized by 42 U.S.C. § 7412(r)(6)(C)(i) to “investigate . . . and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any accidental release resulting in a fatality, serious injury or substantial property damages;”

2. The Board is further authorized by 42 U.S.C. § 7412(r)(6)(C)(ii) to “issue periodic reports to the Congress, Federal, State and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration, concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of accidental releases and proposing corrective steps to make chemical production, processing, handling and storage as safe and free from risk of injury as is possible;”

3. The Board has issued such a recommendation to Valero Energy Corporation based upon the findings of the Board’s Valero Delaware City Refinery investigation;

4. Consistent with Order 022, the Board is to vote on changes to the status of recommendations;

5. The staff of the Office of Recommendations proposes that the status of the above-named recommendation should be changed, as described in the attached Recommendation Response Evaluation.

[continues on next page]
Therefore, pursuant to its authority, the Board hereby votes to designate Recommendation 2006-02-I-DE-R4 with the status of Closed-Acceptable Action.

____ I APPROVE this notation item AS PRESENTED.

____ 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: ____________

Member: ____________________________