Memorandum

To: Board Members

From: Richard C. Loeb

Cc: Leadership Team
    Rachael Gunaratnam
    Mark Kaszniak
    Christina Morgan

Subject: Board Action Report – Notation Item 13-02

Date: November 9, 2012

On November 7, 2012, Notation Item 13-02 was calendared. This item proposed the designation of Recommendation 2005-04-I-TX-R6B, to the United Steelworkers (from the BP America Refinery investigation), with the status of Open – Acceptable Response. Explanatory comments submitted by Member Griffon with his vote are attached to this memorandum.

Voting Summary – Notation Item 13-02

Disposition: CALENDARED

Disposition date: November 7, 2012

<table>
<thead>
<tr>
<th>Approve</th>
<th>Disapprove</th>
<th>Calendar</th>
<th>Not Participating</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>R. Moure-Eraso</td>
<td>X</td>
<td></td>
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<td>11/2/2012</td>
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<tr>
<td>M. Griffon</td>
<td></td>
<td>X</td>
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<td>11/7/2012</td>
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Comments from Mark A. Griffon related to Notation Items 13-01, 13-02 and 13-04

11/7/12

I have voted to calendar all three of these notation items (2 OSHA recommendations and 1 USW recommendation) since I feel that these are rather complicated and very important recommendations that should be fully deliberated by the Board in a public meeting. I would encourage that we invite the recipients of these recommendations to be available (in person or via phone) at the scheduled Board meeting.

Mark A. Griffon