



United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR,

Complainant,

v.

BP PRODUCTS NORTH AMERICA, INC., and
BP-HUSKY REFINING, LLC,

Respondents,

UNITED STEELWORKERS LOCAL 1-346,

Authorized Employee
Representative.

OSHRC Docket No. 10-0637

BRIEFING NOTICE

The Commission requests that the parties brief the issues raised in the petitions for discretionary review. These issues relate to the following items cited under the OSHA Process Safety Management standard, 29 C.F.R. § 1910.119: Willful Citation 2, Items 2a through 27a, 31a, 4b through 12b, 15b, 19b through 27b, 31b, and 32 through 40.

The parties are advised that when the merits or characterization of an item are before the Commission for review, the appropriateness of the penalty is also subject to review. Accordingly, the parties may address the amount of the penalty if they so choose.

All briefs are to be filed in accordance with Commission Rule 93.¹ The first brief is to be filed within 40 days of this notice. A party who does not intend to file a brief must notify the Commission in writing setting forth the reason therefor within the applicable time for filing briefs, and shall serve a copy on all other parties. The time for filing briefs (or similar notices of intent) of opposing parties shall commence on the date of service.

BY DIRECTION OF THE COMMISSION

Dated: November 1, 2013

/s/

Ray H. Darling, Jr.
Executive Secretary

¹ The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the left-hand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority, other than statutes, case law, law journal articles and legal treatises, be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.