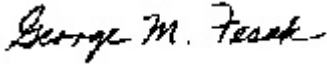


MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal Nonmetal
Mine Safety and Health

FROM: GEORGE M. FESAK 
Chairman, MSHA's Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-04

Date of accident: January 2, 2007

Date of death: January 2, 2007

Mine: Huntsville Surface

Operating Co.: Norris Asphalt Company

Decision: Not Chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent is not chargeable to the mining industry. After careful review of the evidence presented in this case, the Fatality Review Committee has unanimously agreed that the death of the decedent was directly related to natural causes and a medical history that included high blood pressure and thyroid problems. It was further determined that there were no work related activities contributing to his death. The committee members also considered the findings of the Missouri State issued death certificate, which concurred with their findings.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend