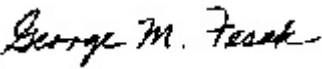


MEMORANDUM FOR FELIX A QUINTANA  
Administrator for Metal and Nonmetal  
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-19

Date of accident: April 30, 2007                      Date of death: April 30, 2007  
Mine: Kinsella Quarry and Mill

Operating Co.: T H Kinsella Incorporated  
Decision: Not Chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent was not chargeable to the mining industry. The decedent was a passenger in a SUV that trespassed onto the mine property drove down a 43-foot embankment and over a 31-foot vertical highwall. The driver of the vehicle was also killed in the incident. Neither of the victims was employed by the mine operator or by a contractor at the site.

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