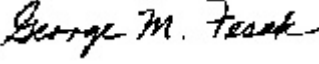


MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal and Nonmetal
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-24

Date of accident: April 30, 2007 Date of death: April 30, 2007
Mine: Eastern Concrete Materials, Inc.

Operating Co.: Eastern Concrete Materials, Inc.
Decision: non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent should be non-chargeable to the mining industry. The certificate of death finding that the immediate cause of death was a "Pulmonary Thromboembolism" was an important factor for the members of the committee. Other issues considered were his history of blood clots and the fact that he had just arrived at the work site when he became ill and was taken to a hospital by ambulance. He had indicated that morning to coworkers that he had not felt well for several days and had missed his previous shift due to illness.

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