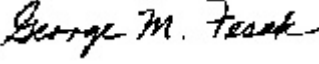


MEMORANDUM FOR FELIX A. QUINTANA  
Administrator for Metal and Nonmetal  
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-32

Date of accident: May 14, 2007                      Date of death: May 14, 2007  
Mine: Neverson Quarry

Operating Co.: Hanson Aggregates Southeast, 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 immediate cause of death on the certificate of death was "Atherosclerotic Cardiovascular Disease." The certificate also indicated that the deceased suffered from hypertension, gout and renal insufficiency. The decedent a 52 year old crusher operator, had removed a blockage from a crusher. He walked up three flights of stairs to the control room and re-started the crusher. He was found unconscious soon after. The committee members felt that the finding from the certificate of death was the deciding factor in their decision.

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