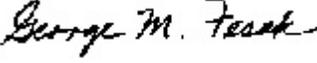


MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal and Nonmetal
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-15

Date of accident: August 9, 2006

Date of death: August 9, 2006

Mine: Morrison Plant

Operating Co.: Aggregate Industries WCR, 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 committee members felt that compelling evidence from the death certificate indicated that the deceased, a 65 year old customer truck driver, died due to heart failure caused by arteriosclerotic heart disease. The decedent lost control of the vehicle he was driving and struck a concrete barrier at the time of the incident. The committee members felt that the accident was caused by a fatal natural causes event.

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