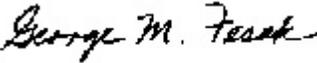


MEMORANDUM FOR FELIX A. QUINTANA  
Administrator for Metal and Nonmetal  
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-34  
Date of accident: April 26, 2007                      Date of death: April 26, 2007  
Mine: Unimin Corporation

Operating Co.: Unimin Corporation  
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 decedent, a 29 year old customer truck driver, was found unconscious in a portable restroom at the mine. He was on the property waiting for his truck to be loaded with sand. The death certificate listed the cause of death as "sudden cardiac arrest due to ischemic heart disease". An autopsy was performed also and confirmed the original conclusion. A toxicology report was negative. The committee voters found the death certificate and autopsy report to be the decisive factor in their decision

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