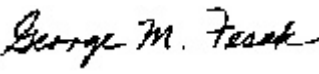


MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-21

Date of accident: December 31, 2006

Date of death: December 31, 2006

Mine: Mine #1

Operating Co.: Cloverlick Coal Company

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 decedent died of "Cardiac Tamponade (Hemopericardium)" and that the underlying cause was "Aortic Dissection (Type A)" was an important factor in the committee decision. The employee, a 23 year old roof bolter operator, collapsed at home after working through an entire shift. Reports of an injury which may have occurred at the mine could not be corroborated during interviews with his shift co-workers. A toxicology report was negative.

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