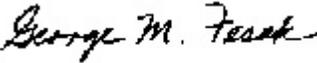


MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-33

Date of accident: April 24, 2007

Date of death: April 24, 2007

Mine: PE 4 Underground Mine

Operating Co.: Premier Elkhorn Coal Company Contractor Co: Storm Security Agency
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 deceased, a 78 year old contract security guard, collapsed while on duty at the mine office/shop. The certificate of death indicated the cause of death was "Acute Myocardial Infarction". All electrical circuits were found to be operating properly, properly grounded and provided with proper protection. No stray electrical currents were found. Evidence of overexertion was not found since the employee had just begun his shift and was seated at the time he slumped over. The committee members felt the death was due to natural causes unrelated to mine activity.

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