

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

FROM: GEORGE M. FESAK *George M. Fesak*
Chairman, MSHA's Fatality Review Committee

SUBJECT: Chargeability Determination

After a careful review of the investigative reports and supporting documentation, the MSHA Fatality Review Committee has reached a unanimous decision on the following chargeability case listed below.

| <u>Case Number</u> | <u>Mine Name</u> | <u>Mine ID</u> | <u>Accident Date</u> | <u>Chargeability Determination</u> |
|--------------------|------------------------|----------------|----------------------|--|
| M-2007-13 | Riverside Plant #11 | 23-02035 | March 2, 2007 | Non-chargeable |

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