

"Office"

MSHA Form 7000-101, June 93 (revised)

### DAILY COVER SHEET

Date 2/2/18 Event No. 7003113

Arrived at the Mine w/a Departed from the Mine w/a

List Records Books Checked w/a

Accompanied By: Company Representative w/a

Miners Representative w/a

#### AREAS OF INSPECTION ACTIVITY:

Issue Citations to  
Management

Mine I.D. 46-06618 Event Type E06

MINE SHIFT: Day x, Evening     , Owl     

Shift Type: Prod     ; Maint.     ; Idle     

Inspector's Initials MEM

Supervisor's Initials and Date      2/6/18 Page No. 1

"Office"

MSHA Form 7000-101, June 93 (revised)

DAILY COVER SHEET

Date 2/5/18 Event No. 7003113

Arrived at the Mine W/A Departed from the Mine W/A

List Records Books Checked W/A

Accompanied By: Company Representative W/A

Miners Representative W/A

AREAS OF INSPECTION ACTIVITY:

SAR's  
Critical Notes

Mine I.D. 46-06618 Event Type EOB

MINE SHIFT: Day X, Evening     , Owl     

Shift Type: Prod     ; Maint.     ; Idle     

Inspector's Initials MEM

Supervisor's Initials and Date N. 2/6/18 Page No. 1

Date 2/5/18

All citations were  
issued on 2/2/18  
and due to time  
constraints the  
notes were completed  
on 2/5/18.

Inspector's Initials MEM

Supervisor's Initials and Date MC/6/18 Page No. 2

Date 2/5/18

D1) 0700 Citation # 8068574  
D2) On June 13, 2017, at approx. 8:43 p.m. a fatal accident occurred on the #1 Working Section, (010-01 011-01 Minis) A continuous mining machine operator was pinned between the mining machines right side cutter head and the coal rib, while moving the mining machine from the #3 entry, into the LACC. The operator did not comply with provisions of the approved roof control plan on the #1 Working Section.

Inspector's Initials MEMSupervisor's Initials and Date ME/6/18 Page No. 3



Date 2/5/18

(010-0mm), specifically  
page 19: "When tranning  
the cmm to the next  
place, other than cutting  
or loading coal, no one  
will be located along  
either side of the cmm,  
and they will be in a  
safe location outby the  
boom and head. All  
personnel shall remain  
at least 4 feet outside  
the red zone in all  
directions, page 8 Item  
36: "When the continuous  
mine is being trammed  
anywhere in the mine,  
other than when cutting

Inspector's Initials MEMSupervisor's Initials and Date ME 2/6/18 Page No. 4

Date 2/5/18

or loading coal, no person  
shall be allowed along  
either side of the cmm

Page 11 Item #1: "During  
mining and place changing  
with the remote control  
miners: all persons shall  
be positioned in an area  
that will afford maximum  
protection to themselves  
and others from unsupport  
roof and moving equipment.

Page 11 Item #2: During  
place changing, all persons  
involved in the move shall  
be positioned in an area  
outside the Red Zone of  
the continuous miner at all

Inspector's Initials MEWSupervisor's Initials and Date MLL/1/18 Page No. 5

Date 2/5/18

times while the miner is  
being trammed. During  
the fatal accident invest.  
MSHA determined there  
was a practice of CMM  
operators tramming the  
CMM's from place to place  
while they were positioned  
in the Red Zone.

D3) 75.220(a)(1)

D4) 010.0 MCM #254  
CMM.

D5b) One Once per Shift  
6-13-17

D5c) Fatal a miner was  
fatally injured after being  
caught between the  
cutter head and coal rib

Inspector's Initials MEMSupervisor's Initials and Date 11/2/14 Page No. 6

Date 2/5/18

while positioned in  
the Red Zone.

D5d) One - CMM  
operator fatally injured  
on 6-13-17 while positioned  
in the Red Zone.

D6c) One Year - Testimony  
from CMM operators  
stated that they would  
position themselves in  
the Red Zone frequently  
in order to save time  
to move the CMM.

D8) 2/2/18 0701 Terminate  
on 2/2/18 0701. The  
operator implemented an  
action plan which included  
Red Zone training, PAS-tel, etc.

Inspector's Initials MEW

Supervisor's Initials and Date MEW 2/6/18 Page No. 7

Date 2/5/18

increased observations,  
and dynamic testing  
procedures. The operator  
revised the roof  
control plan to include  
training, observations,  
PDS testing to follow  
Joy Global, Inc. Smart  
Zone Proximity System  
user guide when conducting  
static and dynamic testing.

Inspector's Initials MEMSupervisor's Initials and Date MEM 2/6/18 Page No. 8

Date 2/5/18

01) 0701 Citation # 8068575  
 02) On 6-13-17 at approx. 8:43 p.m., a fatal accident occurred on the No. 1 Working Section 010-0/011-0 mmu. A continuous mining machine operator was pinned between the mining machine's right side cutter head and the coal rib while moving the machine from the #3 entry into the LOCC. The mine operator did not ensure the the ESO on the #254 CMM, serial # JMS801, was only used for the purposes of relocating

Inspector's Initials MEVSupervisor's Initials and Date MEV/6/18 Page No. 9

Date 2/5/18

the machine from an  
unsafe location for repair.  
Instead the ESO was being  
used by the operator during  
the movement of the CMM  
from one location to another  
during the mining cycle.  
This action overrides the  
PDS and prevents the  
system from preventing  
tram and conveyor boom  
swing on the CMM while  
the operator is positioned  
in the shutdown zone. During  
the investigation, MSHA  
Tech. Support personnel debated  
that the ESO of the #254  
CMM was used approx. 1,000

Inspector's Initials MEHSupervisor's Initials and Date MEH/6/18 Page No. 10

Date 2/5/18

times in the week prior  
to the accident. Additionally  
it was determined that the  
ESD was used 87 times  
on 6-13-17 between 3:50  
a.m. and 8:43:56 p.m. The  
total time the CMM operated  
during this period was 57  
minutes and 4 seconds  
Based on the amount of  
time the ESD was being  
used for reasons other than  
relocating the CMM from  
an unsafe location for repair  
only. Therefore, the mine  
operator also had reason to  
know the audible or visual  
alarm did not activate when

Inspector's Initials MEMSupervisor's Initials and Date ME 2/6/18 Page No. 11



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the PDS was being overridden by the FSO. During the fatal accident investigation, MSHA determined there was a practice of CMM operators training the CMM from place to place, while they were positioned in the PDS shutdown which is located in the Red Zone.

D3) 75.1732(b)

D4) #254 CMM 010-0 MM No. 1 Section

D5b) One on a per shift 6-13-17

D5c) Fatal - A miner was fatally injured when pinned between the cutter head

Inspector's Initials msgSupervisor's Initials and Date msg/18 Page No. 12

Date 2/5/18

and the coal rib while  
bypassing the ESO.  
DSH) One - CMM operator  
fatally injured when pinned  
between the cutter head  
and the coal rib while  
moving the CMM. The  
PDS was being bypassed  
at the time of the  
accident.

(b) (6), (b) (7)(C)

Inspector's Initials MEWSupervisor's Initials and Date ME 2/6/18 Page No. 13

Date 2/5/18

(b) (6), (b) (7)(C)

D6b) No mitigating  
Circumstances. The  
operator denied having  
knowledge.

D6c) One year. Testimony  
indicated the CUM  
operators were using  
the bypass to save  
time while moving  
from one cut to the  
next.

D7a) Due to the amount  
of times the machine  
was being bypassed this  
practice is obvious.

Inspector's Initials KEMSupervisor's Initials and Date ME/6/18 Page No. 14

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D7b) One year, the  
 CMU operators stated  
 they had been using the  
 bypass on a regular basis  
 to save time while traveling  
 from place to place.

D7c) NONE

D7d) (b) (6), (b) (7)(C)  
 (b) (6), (b) (7)(C)

D7e) The operator had reason  
 to know due to the  
 excessive use of the  
 ESO being bypassed.

D7g) No corrective actions  
 were taken.

D7h) The ESO was bypassed  
 approx 1,000 times in the  
 week prior to the accident.

Inspector's Initials MEMSupervisor's Initials and Date ME/6/18 Page No. 15

Date 2/5/18

and used 87 times  
the shift of the  
accident

08) 2/2/18 0701  
Terminated on 2/2/18  
at 0702. The operator  
implemented an FSD policy  
which states "Except in the  
case of an imminent danger  
to the health and safety  
of a miner, CMM operators  
SHALL NOT utilize the  
FSD or other equivalent  
procedures for continuous  
miners at any time unless:  
The CMM operator obtains  
verbal permission from Mine  
Management, such as a Mine

Inspector's Initials MSMSupervisor's Initials and Date MSM/2/5/18 Page No. 16

Date 2/5/18

Foremen or other appropriate  
mine management personnel;  
mine management must  
observe the CMM operator  
engage the ESO or other  
equivalent override procedures  
for CMM's to ensure safe  
procedures

Inspector's Initials MEM

Supervisor's Initials and Date ME 2/5/18 Page No. 17

Date 2/5/18

D1) 0702 Citation # 8068576  
D2) On 6-13-17 at approx.  
8:43 p.m., a fatal accident  
occurred on the No. 1 Working  
Section, (010-0101-01mm).  
A CMM operator was pinned  
between the mining machine's  
right side cutter head  
and the coal rib while  
moving the mining machine  
from the No. 3 entry into  
the LOCC. The mine operator  
did not task train this  
miner in the safety aspects  
and safe operating procedures  
of the CMM, which included  
the PBS and ESO. The

Inspector's Initials MEMSupervisor's Initials and Date MEM/6/18 Page No. 18

Date 2/5/18

victim was using the  
 ESO when the fatality  
 occurred. The use of the  
 ESO overrode the PDS and  
 allowed the mining machine  
 to operate and fatally  
 injure the victim while  
 he was located within  
 the PDS's shutdown zone.

D3) 48.7(a)

D4) Rodney Osborne,  
 victim.

D5b) One - The victim  
 of the fatality who  
 was not properly trained.

D5c) Fatal - The victim  
 was fatally injured on  
 6-13-17 while trimming

Inspector's Initials msmSupervisor's Initials and Date MLG/18 Page No. 19



Date 2/5/18

the CMM while positioned  
in the Red Zone

D5d) One - CMM operator  
fatally injured on 6-13-17

D6a) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) . Statement

of a miner who the operator  
stated provided the task  
training contradicted the  
operator's statement. The  
statement indicated  
that no task training  
was provided.

D6b) None

D6c) March 10, 2017

This date is when the  
victim started operating  
the CMM at this mine.

Inspector's Initials MEW

Supervisor's Initials and Date NE2/6/18 Page No. 20

Date 2/5/18

D7a) Obvious and extensive due to the operator is required to provide task training to all miners who are assigned to operate mining equipment.

D7b) Since March 10, 2017. This date is the date the victim was assigned to operate the CMM.

D7c) None

D7d) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) After interviewing the other miner

Inspector's Initials WBR

Supervisor's Initials and Date 11/2/18 Page No. 21

Date 2/5/18

it was determined that  
no task training was  
provided.

D7e) The operator did  
not provide proper documentation  
indicating that the victim  
was task trained.

D7f) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

allowed the victim to  
operate the CMM without  
being properly trained.  
The act states an  
untrained miner is a  
hazard to himself and  
others.

D7g) No effort.

D7h) Due to not being

Inspector's Initials MEMSupervisor's Initials and Date ME 2/6/18 Page No. 22

Date 2/5/18

properly train the  
victim bypassed a  
safety feature on the  
CMM resulting in a  
fatal accident

DS) Terminated on 2/2/18  
at 0702. This miner is  
deceased and cannot be  
trained. The operator  
provided all CMM operators  
additional training in real  
zone awareness, PDS,  
and ESO use.

Inspector's Initials MEMSupervisor's Initials and Date 102/6/18 Page No. 23

Date 2/5/18

D1) 0703 Citation #8068577  
D2) Joy Global, Inc. initially  
set up or "commissioned"  
the PDS on the Co. #254  
CMK without the ability  
to activate an audible or  
visual warning signal  
when the PDS was being  
overridden by the ESO.  
On 6-13-17 at approx. 8:43  
p.m., a label accident  
occurred on the No. 1  
Working Section, (010-0/011-0  
MMU) while the victim was  
using the ESO. The use  
of the ESO overrode the  
PDS and allowed the

Inspector's Initials MEWSupervisor's Initials and Date MEW/6/18 Page No. 24

Date 2/5/18

mining machine to operate  
and fatally injure the  
victim while he was in  
the PDS Shutdown zone.

D3) 75.1732(b)

D4) #254 CMM Serial #

JMS801

D5b) One Once per shift  
Fatal occurred on 6-13-17.

D5c) Fatal - A miner  
was fatally injured  
while bypassing the ESO  
and PDS while training  
the CMM.

D5d) One The CMM  
operator was pinned  
between the cutter  
head and coal rib while

Inspector's Initials MSM

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Date 2/5/18

the PDS was being  
overrode using the  
ESO bypass.

D6C) Feb. 2017. Joy  
Global, Inc. initially  
set up or "commissioned"  
the #254 CMM in  
Feb. 2017.

D8) 2/2/18 0703  
Terminated on 2/2/18  
at 0703. Joy Global,  
Inc. traveled to the  
mine and updated the  
PDS on the CMM and the  
machine now provides  
a visual alarm when  
the PDS is being overrode.

Inspector's Initials MEM

Supervisor's Initials and Date MEB/18 Page No. 26

Date 2/5/18

D1) 0704 Citation #9172135  
D2) On 6-13-17 at approx.  
8:43 p.m., a fatal accident  
occurred on the No. 1 Working  
Section, (010-01011-0MMU).  
A CMM operator was pinned  
between the mining machine's  
right side cutter head and  
the coal rib while moving  
the mining machine from  
the No. 3 entry into the  
last open crosscut. The  
PDS on the #254 CMM  
was inadequate because it  
would not activate an audible  
or visual warning signal  
when the PDS was being

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overridden by the ESO.  
On 6-13-17 at approx.  
8:43 pm., a fatal accident  
occurred on the No. 1  
working section, (010-0/011-0  
MMU) while the victim  
was using the ESO. The  
person designated by the  
mine operator to check  
the PDS did not ensure  
that the PDS was functioning  
properly after it was  
Commissioned. During the  
investigation, MSHA Tech.  
support personnel determined  
that the ESO of the #254  
miner was used approx.  
1,000 times in the week

Inspector's Initials MEMSupervisor's Initials and Date ME/1/18 Page No. 28

Date 2/5/18prior to the accident.Additionally, it was determined  
that the ESO was used87 times on June 13, 2017between 3:50 P.M. and8:48:54 p.m. The totaltime the ESO was usedduring this period was57 minutes and 45 seconds.Based on the amount oftimes the ESO wasactivated, mine managementhad reason to know theESO was being used forreasons other than reloadingthe CPM from an unsafelocation for repair only.Therefore, the mine operatorInspector's Initials MRMSupervisor's Initials and Date MRM/6/18 Page No. 29

Date 2/5/18

also had reason to know  
the audible or visual  
alarm did not activate  
when the PDS was being  
overridden by FSO.

During the Petal  
accident investigation, MSHA  
determined there was a  
practice of CMM operators  
tremoring the CMM from  
place to place, while they  
were positioned in the  
PDS shutdown which is  
located in the Red Zone.

D3) 75.1732(c)(1)

D4) #254 CMM Serial  
#JMS801 010-0 MMLU

D5b) One Once Per Shift

Inspector's Initials MSM

Supervisor's Initials and Date MSM/6/18 Page No. 30

Date 2/5/18

6-13-17

D5c) Fatal - A CMM operator was fatally injured while bypassing the PDS while using the ESO function on 6-13-17.

D5d) Once The CMM operator was fatally injured while positioned in the Red Zone. The CMM operator was using the ESO bypassing the PDS at the time of the accident.

D6a) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) Based on testimony and the amount of times the

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Supervisor's Initials and Date MC 2/6/18 Page No. 31

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PDS was bypassed the operator had reason to know the visual or audible alarm did not function.

D6b) None

D6c) Feb 2017. This ~~note~~ CMU was set up or Commissioned in Feb 2017.

D7a) The amount of time the condition existed and the amount of times the PDS was bypassed makes this obvious and extensive.

D7b) Since Feb 2017 when the PDS was set up

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Supervisor's Initials and Date ME 2/6/18 Page No. 32

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or Commissioned.

D7c) None

D7d) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

Conducted the pre-shift  
and on shift, dust  
parameters, and observed  
the PDS testing of the  
CMM.

D7e) Testimony stated  
that the operator had  
knowledge. Additionally  
the amount of times the  
PDS was overrode during  
the previous week  
and during the shift  
of the accident the  
operator had reason to

Inspector's Initials MEM

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Know the condition existed.

D7f) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

was responsible for verifying  
the PDS was working  
properly and required  
to place DTIS on a  
data board showing that  
he examined the PDS.

D7g) No corrective  
actions.

D7h) The PDS was  
being overrode to save  
time ~~from~~ while traveling  
from place to place.

D8) Terminated on  
2/2/18 at 0704. Joy  
Global, Inc. installed an

Inspector's Initials MM

Supervisor's Initials and Date MM/1/18 Page No. 34

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update to the POS  
on the CARM and the  
System now provides  
a visual alarm when the  
POS system is being  
overrode.

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Date 2/5/18

Worked on mine  
file report.

Completed paperwork.

Inspector's Initials MEM

Supervisor's Initials and Date ME 2/6/18 Page No. 36

# Mining Activity Data

1. Action: a. New Entry <input type="checkbox"/> b. Update <input checked="" type="checkbox"/>		2. Activity Code: E06		3. Event Number: 7003113	
4. Date Event Started: 6/13/2017		5. Date Event Finished: 2/5/2018		6. Mine ID: 46-06618	
7a. Organization Code (Mine Assignment) 21201		b. Work Group Identifier 02		9. Company Name ROCKWELL MINING LLC	
8a. Organization Code (AR Assignment) 21201		b. Work Group 02		10. Mine Name GATEWAY EAGLE MINE	
11. Report Type (check one) a. First <input type="checkbox"/> b. Interim <input type="checkbox"/> c. Last <input type="checkbox"/> d. Not Applicable <input checked="" type="checkbox"/> e. Outby Areas <input type="checkbox"/> f. Shafts/Slopes <input type="checkbox"/> g. Surface Areas (UG) <input type="checkbox"/> h. Surface Workings <input type="checkbox"/> i. Company Records <input checked="" type="checkbox"/> j. ATF <input type="checkbox"/> k. Major Construction <input type="checkbox"/> (1) Shaft/Slope Sinking 0 (2) Impoundment Construction 0 (3) Buildings 0 (4) Dragline/Shovel 0 (5) Other 0 l. Miscellaneous <input type="checkbox"/>				12. Area of Inspections a. Active Sections 2 b. Idle Sections 0	
m. MMU/Pit Number (1) 0100 (2) 0110 (3) 0120 (4) 0130					

13. Number of Samples Collected a. Air Samples 0 b. Rock Dust Spot 0 c. Rock Dust Survey 0 d. Respirable Dust 0 e. Noise 0 f. Other 0												
14. Impoundments/Refuse Piles: a. Number b. FHC c. Configuration			15. Prime Independent Contractor Codes (Major Construction)									
16. Inspection Results			Citations		Orders		Safeguards		Other			
			Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con		
			a. This Inspection									
			(1) New Issuances									
			(2) Terminations/Vacations									
			0/0		0/0		0/0		0/0			
			(3) Modifications/Extensions									
			(4) Left Pending									
			b. Previously Issued									
			(1) Modifications/Extensions									
			0/0		0/0		0/0		0/0			
			0/0		0/0		0/0		0/0			

18. Signature and Card Number of Authorized Representative/ Right of Entry Person(s) Responsible for Activity		17. Remarks:
a.	Card Number 25214	
b.	24938	
c.	25180	
d.	24719	
19. Key Entered By <i>(b) [Signature] 2-14-18</i>		









## Section I--Violation Data

1. Date Mo Da Yr 02/02/2018	2. Time (24 Hr. Clock) 0704	3. Citation/ Order Number 9172135
4. Served To LUKE STEPP, SUPERINTENDENT		5. Operator ROCKWELL MINING LLC
6. Mine GATEWAY EAGLE MINE		7. Mine ID 46-06618 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

On June 13, 2017, at approximately 8:43 p.m., a fatal accident occurred on the No. 1 working section, (010-0/011-0 MMU). A continuous mining machine operator was pinned between the mining machine's right side cutter head and the coal rib while moving the mining machine from the No. 3 entry into the last open crosscut. The proximity detection system on the No. 254 continuous mining machine was inadequate because it would not activate an audible or visual warning signal when the proximity detection system (PDS) was being overridden by the emergency stop override (ESO). On June 13, 2017, at approximately 8:43 p.m., a fatal accident occurred on the No. 1 working section, (010-0/011-0 MMU) while the victim was using the ESO. The person designated by the mine operator to check the PDS did not ensure that the PDS was functioning properly after it was commissioned. During the

See Continuation Form (MSHA Form 7000-3a) ☒

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1732(c)(1)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(d)(1)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 8068575		F. Dated Mo Da Yr 02/02/2018
15. Area or Equipment Company #254 Continuous Mining Machine located on the 010-0 MMU.				

16. Termination Due	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0704
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## Section III--Termination Action

17. Action to Terminate Joy Global, Inc. installed an update to the proximity detection system on the continuous mining machine and the system now provides a visual alarm when the proximity detection system is being

18. Terminated	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0704
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## Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 7003113	21. Primary or Mill
22. AR Name Mark E. Muncy		23. AR Number 25214

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

KJ 2-14-18

Mine Citation/Order  
Continuation

U.S. Department of Labor  
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) 02/02/2018 Mo Da Yr	3. Citation/ Order Number 9172135
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

investigation, MSHA Technical Support personnel determined that the ESO of the No. 254 continuous mining machine was used approximately 1,000 times in the week prior to the accident. Additionally, it was determined that the ESO was used 87 times on June 13, 2017 between 3:50:00 PM and 8:43:56 PM. The total time the continuous mining machine operated while the ESO was used during this period was 57 minutes and 4 seconds. Based on the amount of times the ESO was activated, mine management had reason to know the ESO was being used for reasons other than relocating the continuous mining machine from an unsafe location for repair only. Therefore, the mine operator also had reason to know the audible or visual alarm did not activate when the proximity detection system (PDS) was being overridden by emergency stop override.

During the fatal accident investigation, MSHA determined there was a practice of continuous mining machine operators tramming the CMM from place to place, while they were positioned in the PDS shutdown which is located in the Red Zone.

Continuation of 17. Action to Terminate  
overrode.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 02/02/2018	13. Time (24 Hr. Clock) 0704

(b) (5), (b) (7)(A)



(b) (5), (b) (7)(A)

(b) (5), (b) (7)(A)



## Section I--Violation Data

1. Date Mo Da Yr 02/02/2018	2. Time (24 Hr. Clock) 0703	3. Citation/ Order Number 8068577
4. Served To JOSH BURNS		5. Operator JOY GLOBAL, INC
6. Mine GATEWAY EAGLE MINE		7. Mine ID 46-06618 ZDL (Contractor)
8. Condition or Practice		

8a. Written Notice (103g) ☐

Joy Global Inc. initially set up or "commissioned" the proximity detection system on the No. 254 continuous mining machine without the ability to activate an audible or visual warning signal when the proximity detection system (PDS) was being overridden by the emergency stop override (ESO). On June 13, 2017, at approximately 8:43 p.m., a fatal accident occurred on the No. 1 working section, (010-0/011-0 MMU) while the victim was using the ESO. The use of the ESO overrode the PDS and allowed the mining machine to operate and fatally injure the victim while he was in the PDS shutdown zone.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1732(b)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0703
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## Section III--Termination Action

17. Action to Terminate Joy Global, Inc. traveled to the mine and updated the proximity detection system on the continuous mining machine and the machine now provides a visual alarm when the PDS is being overrode.

18. Terminated	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0703
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## Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 7003113	21. Primary or Mill
22. AR Name Mark E. Muncy		23. AR Number 25214

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

KT 2-14-18











## Section I--Violation Data

1. Date Mo Da Yr 02/02/2018	2. Time (24 Hr. Clock) 0702	3. Citation/ Order Number 8068576
4. Served To LUKE STEPP, SUPERINTENDENT		5. Operator ROCKWELL MINING LLC
6. Mine GATEWAY EAGLE MINE		7. Mine ID 46-06618 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

On June 13, 2017, at approximately 8:43 p.m., a fatal accident occurred on the No. 1 working section, (010-0/011-0 MMU). A continuous mining machine operator was pinned between the mining machine's right side cutter head and the coal rib while moving the mining machine from the No. 3 entry into the last open crosscut. The mine operator did not task train this miner in the safety aspects and safe operating procedures of the continuous mining machine, which included the proximity detection system (PDS) and emergency stop override (ESO). The victim was using the ESO when the fatality occurred. The use of the ESO overrode the PDS and allowed the mining machine to operate and fatally injure the victim while he was located within the PDS's shutdown zone. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a) ☒

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 48.7(a)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected: 001	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(d)(1)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input checked="" type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 8068575		F. Dated Mo Da Yr 02/02/2018
15. Area or Equipment Rodney Osborne				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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## Section III--Termination Action

17. Action to Terminate This miner is deceased and cannot be trained. The operator provided all continuous mining machine operators additional training in red zone awareness, proximity detection systems, and emergency safety

18. Terminated	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0702
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## Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 7003113	21. Primary or Mill
22. AR Name Mark E. Muncy		23. AR Number 25214

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

KX 2-1478

Mine Citation/Order  
Continuation

U.S. Department of Labor  
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 02/02/2018	3. Citation/ Order Number 8068576
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Continuation of 17. Action to Terminate  
override use.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 02/02/2018	13. Time (24 Hr. Clock) 0702

MSHA Form 7000-3a, Mar 85 (revised)

OT 2-14-18











## Section I--Violation Data

1. Date Mo Da Yr 02/02/2018	2. Time (24 Hr. Clock) 0701	3. Citation/ Order Number 8068575
4. Served To LUKE STEPP, SUPERINTENDENT		5. Operator ROCKWELL MINING LLC
6. Mine GATEWAY EAGLE MINE		7. Mine ID 46-06618 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

On June 13, 2017, at approximately 8:43 p.m., a fatal accident occurred on the No. 1 working section, (010-0/011-0 MMU). A continuous mining machine operator was pinned between the mining machine's right side cutter head and the coal rib while moving the mining machine from the No. 3 entry into the last open crosscut. The mine operator did not ensure that the emergency stop override on the No. 254 continuous mining machine, Serial #JM5801, was only used for purposes of relocating the machine from an unsafe location for repair. Instead, the emergency stop override was being used by the operator during the movement of the continuous mining machine from one location to another during the mining cycle. This action overrides the proximity detection system (PDS) and prevents the system from preventing tram and conveyor boom swing on the continuous mining machine while the

See Continuation Form (MSHA Form 7000-3a) ☒

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1732(b)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(d)(1)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0701
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## Section III--Termination Action

17. Action to Terminate The operator implemented an emergency stop override plicy which states "Except in the case of an imminent danger to the health and safety of a miner, continuous miner operators SHALL NOT unitlize the ESO

18. Terminated	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0702
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## Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 7003113	21. Primary or Mill
22. AR Name Mark E. Muncy		23. AR Number 25214

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 02/02/2018	3. Citation/ Order Number 8068575
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

operator is positioned in the shutdown zone. During the investigation, MSHA Technical Support personnel determined that the emergency stop override of the No. 254 continuous mining machine was used approximately 1,000 times in the week prior to the accident. Additionally, it was determined that the emergency stop override was used 87 times on June 13, 2017 between 3:50:00 PM and 8:43:56 PM. The total time the continuous mining machine operated in emergency stop override during this period was 57 minutes and 4 seconds. Based on the amount of times the emergency stop override was activated, mine management had reason to know the emergency stop override was being used for reasons other than relocating the continuous mining machine from an unsafe location for repair only. Therefore, the mine operator also had reason to know the audible or visual alarm did not activate when the proximity detection system (PDS) was being overridden by emergency stop override.

During the fatal accident investigation, MSHA determined there was a practice of continuous mining machine operators tramming the CMM from place to place, while they were positioned in the PDS shutdown which is located in the Red Zone. This violation is an unwarrantable failure to comply with a mandatory standard.

Continuation of 17. Action to Terminate

or other equivalent override procedures for continuous miners at any time unless: The continuous miner operator obtains verbal permission from Mine Management, such as a Mine Foreman or other appropriate mine management personnel; and Mine Management must observe the continuous mining machine operator engage the ESO or other equivalent override procedures for continuous mining machines to ensure safe procedures.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 02/02/2018	13. Time (24 Hr. Clock) 0701

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## Section I--Violation Data

1. Date Mo Da Yr 02/02/2018	2. Time (24 Hr. Clock) 0700	3. Citation/ Order Number 8068574
4. Served To LUKE STEPP, SUPERINTENDENT		5. Operator ROCKWELL MINING LLC
6. Mine GATEWAY EAGLE MINE		7. Mine ID 46-06618 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

On June 13, 2017, at approximately 8:43 p.m., a fatal accident occurred on the No. 1 working section, (010-0/011-0 MMU). A continuous mining machine operator was pinned between the mining machine's right side cutter head and the coal rib, while moving the mining machine from the No. 3 entry into the last open crosscut. The operator did not comply with provisions of the approved roof control plan on the No. 1 working Section (010-0 MMU), specifically on 1) page 19: "When tramming the CMM to the next place, other than when cutting or loading coal, no one will be located along either side of the CMM, and they will be in a safe location outby the boom and head. All personnel shall remain at least 4 feet outside the Red Zone in all directions; 2) page 8, Item #36: "When the continuous miner is being trammed anywhere in the mine, other than when cutting or loading

See Continuation Form (MSHA Form 7000-3a) ☒

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.220(a)(1)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input checked="" type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0701
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## Section III--Termination Action

17. Action to Terminate The operator implemented an action plan which included Red Zone training, proximity detection training, increased observations, and dynamic testing procedures. The operator revised the roof control plan to

18. Terminated	A. Date Mo Da Yr 02/02/2018	B. Time (24 Hr. Clock) 0701
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## Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 7003113	21. Primary or Mill
22. AR Name Mark E. Muncy		23. AR Number 25214

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

PT 2-14-18



Mine Citation/Order  
Continuation

U.S. Department of Labor  
Mine Safety and Health Administration



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 02/02/2018	3. Citation/ Order Number 8068574
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

coal, no person shall be allowed along either side of the CMM;" 3) page 11 Item #1: "During mining and place changing with the remote control miners: all persons shall be positioned in an area that will afford maximum protection to themselves and others from unsupported roof and moving equipment;" and 4) page 11 Item #2: "During place changing, all persons involved in the move shall be positioned in an area outside the Red Zone of the continuous miner at all times while the miner is being trammed. If an operator's compartment is provided and a cab or canopy is required due to the mining height, then the continuous miner shall be trammed from the compartment."

During the fatal accident investigation, MSHA determined there was a practice of continuous mining machine operators tramping the CMMS from place to place while they were positioned in the Red Zone.

Standard 75.220(a)(1) was cited 14 times in two years at mine 4606618 (14 to the operator, 0 to a contractor).

Continuation of 17. Action to Terminate

include training, observations, PDS testing to follow Joy Global, Inc. Smart Zone Proximity Systems user guide when conducting static and dynamic testing.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 02/02/2018	13. Time (24 Hr. Clock) 0700

KT 2-14-18

ML  
6/20/17

## Section I--Violation Data

1. Date Mo Da Yr 06/13/2017	2. Time (24 Hr. Clock) 2225	3. Citation/ Order Number 8068571
4. Served To REX OSBORNE, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	
8. Condition or Practice		8a. Written Notice (103)

An fatal accident has occurred at this operation on 06/13/2107 at approximately 2100 hrs. This order is issued under Section 103(k) of the Federal Mine Safety and Health Act of 1977, to assure the safety of all persons at this operation and prevent the destruction of any evidence which would assist in the investigation of the cause and or causes of this accident. It prohibits all activity at the 010-0/011-0/012-0/013-0 MMU's until MSHA has determined that it is safe to resume normal mining operations in the area. The mine operator shall obtain prior approval from an authorized representative for all actions to recover and/or restore operations to the affected area.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health <input type="checkbox"/> Safety <input type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input type="checkbox"/>			D. Number of Persons Affected:	
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 103(k)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment Entire 010-0/011-0/012-0/013-0 MMU's.				

16. Termination Due	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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## Section III--Termination Action

## 17. Action to Terminate

18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)
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## Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 7003113	21. Primary or Mill
22. AR Name Mark E. Muncy		23. AR Number 25214

MSHA Form 7000-3, Apr 08 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.

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Mine Citation/Order  
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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/13/2017	3. Citation/ Order Number 8068571 - 01
4. Served To REX OSBORNE, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change	From	To
15. Area or Equipment		
Reason Recovery of equipment along the pillar line on the 012-0/013-0 MMU's.		

This order is being modified to allow the operator to move the 012-0/013-0 equipment outby the pillar line and to install timbers along the pillar line.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 06/14/2017	13. Time (24 Hr. Clock) 0017

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Mine Citation/Order  
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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 02
4. Served To REX OSBORNE, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change From To

15. Area or Equipment

Reason To modify the affected area.

This order is being modified to allow mine engineers to travel to the 010-0/011-0 MMU's in order to obtain measurements and diagrams of the accident scene.

This order is being modified to change the affected area on the 012-0/013-0 MMU from the entire section to only include the continuous miners and producing coal. All other work activity is permitted on the 012-0/013-0 MMU's.

See Continuation Form ☐

Section III--Subsequent Action Taken


8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 06/14/2017	13. Time (24 Hr. Clock) 0345

MSHA Form 7000-3a. Mar 85 (revised)

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*6/20/17* 

Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 03
4. Served To Luke Stepp	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

This 103(k) Order is being modified to allow the operator to perform dynamic testing on the 252, 262, 254, and 253 Continuous Mining Machines' proximity systems while MSHA personnel is present.

This 103(k) Order is being modified to allow the operator to fix the pump connectors on the 262 Continuous Mining Machine on the 012/013 Section #2, as long as tramming the Continuous Mining Machine is not necessary.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Jonathan Cline	AR Number 25180	12. Date Mo Da Yr 06/14/2017	13. Time (24 Hr. Clock) 1230

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Mine Citation/Order  
Continuation

U.S. Department of Labor  
Mine Safety and Health Administration

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/13/2017	3. Citation/ Order Number 8068571 - 04
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change	From	To
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15. Area or Equipment

**Reason** Modification to allow testing and downloads.

This 103K order is being modified to allow Joy and Matrix personnel to perform downloads of the proximity data from the 010-0/011-0/012-0/013-0 MMU Continuous Miners and to perform static and dynamic testing of the continuous mining machines. Once the testing and downloads are completed no other work is to be conducted on the continuous miners.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 06/15/2017	13. Time (24 Hr. Clock) 0910

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Continuation

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Mine Safety and Health Administration

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 05
4. Served To Luke Stepp	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

This Order is being modified to allow the operator to implement the action plan submitted and agreed upon by the District on 06/16/2017. After the action plan has been implemented, the 012 MMU may resume normal mining operations.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Jonathan Cline	AR Number 25180	12. Date Mo Da Yr 06/16/2017	13. Time (24 Hr. Clock) 1519

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## Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/13/2017	3. Citation/ Order Number 8068571 - 06
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

## Section II--Justification for Action

Change	From	To
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15. Area or Equipment

**Reason** Modify to install power and move the #254 miner for the purpose of Joy Global to create a 3D image of the accident scene.

This order is being modified to allow Jov Global to use a Leica 3D Laser scanner, a digital SLR camera, a laptop computer, a laser meter and point and shoot cameras to create a 3D image of the area of the accident. Once completed no other work is to be performed.

This order is being modified to allow management personnel to install power on the #254 continuous miner in order to move the continuous miner to the approximate location of the accident for the purpose of creating a 3D image of the accident scene. Once completed the #254 miner will be locked and tagged and no work to be performed without MSHA personnel present.

See Continuation Form ☐

## Section III--Subsequent Action Taken

3. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input checked="" type="checkbox"/> E. Modified
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## Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 06/20/2017	13. Time (24 Hr. Clock) 1134

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 07
4. Served To Luke Stepp - Superintendant	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change From To

15. Area or Equipment

**Reason** This 103(k) Order is being modified to allow the operator to return the 013 MMU Joy continuous mining machine, CO #262, Ser #JM5391B, to service with the non-metallic water line installed and maintained in the locations described during all mining activities.

After further dynamic testing of the 013 MMU machine mounted Proximity Detection System, with 3 sections of 36 inch non-metallic 2 inch water line installed at the section water pump, the approximate mid-point of the metallic 2 inch water line and at the machine end of the 2 inch metallic water line supplying water to the 013 continuous mining machine, the interference previously found appears to have been eliminated.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Rex A. Hampton	AR Number 24938	12. Date Mo Da Yr 06/21/2017	13. Time (24 Hr. Clock) 1230

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Mine Citation/Order  
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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 08
4. Served To Luke Stepp - Superintendant	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change the water line size description from 2 inch to 1 1/2 inch in all of the justification language of -07 modification.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input type="checkbox"/> D. Terminated <input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Rex A. Hampton	AR Number 24938	12. Date Mo Da Yr 06/21/2017	13. Time (24 Hr. Clock) 1449

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 09
4. Served To Luke Stepp - Superintendent	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change	From	To
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15. Area or Equipment

**Reason** The area affected is being modified to allow the operator to produce coal on the No. 1 section under the following criteria.

First, on the 011 MMU continuous mining machine, verifying that the machine mounted Proximity Detection System functions properly by performing all static and dynamic tests, including displaying the proper warning indicators when the emergency manual override is engaged. All place changes for the 011 MMU continuous mining machine, Ser. # Jm5839B2, must be observed from the beginning until completion by a certified foreman, and these observations must be recorded and certified in a separate record book in the mine office by the foreman observing the moves.

This modification also allows the operator to move the Joy continuous mining machine, Ser #JM5801, after verification that the machine mounted Proximity Detection System functions properly by performing all static and dynamic tests, including displaying the proper warning indicators when the emergency manual override is engaged, to Break #204 and to replace the trailing cable on the machine. The machine will not be moved more than this once.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Rex A. Hampton	AR Number 24938	12. Date Mo Da Yr 06/22/2017	13. Time (24 Hr. Clock) 1138

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/13/2017	3. Citation/ Order Number 8068571 - 10
4. Served To Rex Osbourne	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change	From	To
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15. Area or Equipment

**Reason** Remove the wording ", including displaying the proper warning indicators when the emergency manual override is engaged" from the criteria for both continuous mining machines.

Due to the presence of a certified foreman observing all place changes in their entirety. The operator also is contacting the machine manufacturer for solution to provide a visible indication for when the proximity detection is in the emergency manual override function.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113				
11. AR Name Rex A. Hampton	AR Number 24938	12. Date Mo Da Yr 06/23/2017	13. Time (24 Hr. Clock) 0827		

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Mine Citation/Order  
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U.S. Department of Labor  
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6/6/17



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/> <input type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 11
4. Served To Rex Osbourne	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

Change	From	To
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15. Area or Equipment

**Reason** This modification is to allow the operator to resume production activities with the 010 MMU continuous mining machine, Ser #JM5801.

Upon determining that no further testing of the 010 MMU continuous mining machine is necessary. The area affected is being modified to allow the operator to resume production with the 010 MMU continuous mining machine, Ser #JM5801 under the following criteria:  
All place changes will be observed from the beginning until completion by a certified foreman, and these observations must be recorded and certified in a separate record book in the mine office by the foreman observing the moves.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Rex A. Hampton	AR Number 24938	12. Date Mo Da Yr 06/23/2017	13. Time (24 Hr. Clock) 1550

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) 06/13/2017	3. Citation/ Order Number 8068571 - 12
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

**Change** **From** **To**

15. Area or Equipment

**Reason** This modification is to require the operator to conduct static and dynamic testing twice per shift on the 010-0 MMU continuous mining machine, serial number JM5801.

This modification requires the operator to comply with all previously issued modifications and requires static and dynamic testing on the 010-0 MMU continuous mining machine, Serial #JM5801 twice per shift, once prior to the beginning of the continuous mining machine being placed in operation and once mid shift with a minimum of four hours difference between testing. This modification further requires that all static and dynamic testing be recorded in a record book.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To	A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated	<input type="checkbox"/> D. Terminated	<input checked="" type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 07/13/2017	13. Time (24 Hr. Clock) 0915

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Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input checked="" type="checkbox"/>	2. Dated (Original Issue) Mo Da Yr 06/13/2017	3. Citation/ Order Number 8068571 - 13
4. Served To LUKE STEPP, SUPERINTENDENT	5. Operator ROCKWELL MINING LLC	
6. Mine GATEWAY EAGLE MINE	7. Mine ID 46-06618 (Contractor)	

Section II--Justification for Action

The investigation is now complete.

See Continuation Form ☐

Section III--Subsequent Action Taken

8. Extended To A. Date Mo Da Yr	B. Time (24 Hr. Clock)	<input type="checkbox"/> C. Vacated <input checked="" type="checkbox"/> D. Terminated <input type="checkbox"/> E. Modified
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Section IV--Inspection Data

9. Type of Inspection E06	10. Event Number 7003113		
11. AR Name Mark E. Muncy	AR Number 25214	12. Date Mo Da Yr 02/02/2018	13. Time (24 Hr. Clock) 1025

KJ 2.14.18