MSHA Form 7000-101, June 93 (revised)

DAILY COVER SHEET

Date 12/18 Event No. 7003113

Arrived at the Mine 1/14 Departed from the Mine 1/14

List Records Books Checked 1/14

Accompanied By: Company Representative 1/14

Miners Representative 1/14

AREAS OF INSPECTION ACTIVITY:

Tissue Citations to Management

Mine I.D. 410-02-18 Event Type Ed 6

MINE SHIFT: Day , Evening , Owl

Shift Type: Prod ; Maint. ; Idle

Inspector's Initials ME

Supervisor's Initials and Date 1/10 Page No. 1

U.S. GPO: 2015-544-714
DAILY COVER SHEET

Date 2/18/18  Event No. 8003113

Arrived at the Mine 8:14  Departed from the Mine 8:14

List Records Books Checked 8:14

Accompanied By: Company Representative 8:14

Miners Representative 8:14

AREAS OF INSPECTION ACTIVITY:
SAR's
Citations Notes

Mine I.D. 46-06615  Event Type E06
MINE SHIFT: Day, Evening, Owl
Shift Type: Prod, Maint, Idle

Inspector's Initials

Supervisor's Initials and Date 2/18/18  Page No. 1
Date 2/5/18

All citations were issued on 2/3/18 and due to time constraints, the notes were completed on 2/5/18.

Inspector’s Initials M.E.M

Supervisor’s Initials and Date J.H.L 2

*U.S. GPO: 2016-640-803
Date 2/5/18

Di) 0700 Citation # 8068534
Bo) On June 13, 2017, at approx. 8:43 a.m. a fatal accident occurred in the #1 Working Section, (610-01
Quin) working #2 mine). A continuous mining machine operator, while moving the mining machine from the
#3 entry into the #2 entry, a continuous mining machine operator was pinned between the mining machine right
side rubber head and the coal rib, while moving the mining machine from the
#3 entry into the #2 entry. The operator did not comply with provisions of the
approved roof control plan on the #1 Working Section.

Inspector's Initials

Supervisor's Initials and Date 2/5/18

Page No. 3

*U.S. GPO: 2016-640-803
Date: 2/5/18

(010-0-0211), specifically page 19: "When tramming the car to the next place, other than cutting or loading coal, no one will be located along either side of the car, and they will be in a safe location only by the boom and head. All personnel shall remain at least 4 feet outside the red zone in all directions. Page 8. Then 38: "When the continuous miner is being trammed anywhere in the mine, other than when cutting..."
Date 2/5/18

Or loading coal, no person shall be allowed along either side of the cwm.

Page 11 Item #1: During mining and face changing, when using the remote control mines, all persons shall be positioned in an area that will afford maximum protection to themselves and others from unsupported roof and moving equipment.

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

Inspector's Initials

Supervisor's Initials and Date

*U.S. GPO: 2016-640-803
Date 2/5/18

Times while the miner is being drowned. During the fatal accident invest.
MSHA determined there was a practice of CMU operators drowning the CMU's from place to place while they were position in the Red Zone.

D3) 75.220(c)(1)
D4) 010-0 MMU #1 254 CMU.

D5b) One Once per Shift
6-13-17

DSC) Fatal a miner was fatality injured after being caught between the cutter head and coal i'n.
Date 2/5/18

While positioned in the Red Zone.

D30) One CMU operator fatally injured on 6-13-17 while positioned in the Red Zone.

D60) One year after

From CMU operators stated that they would position themselves in the red zone frequently in order to save time to move the CRMM.

D8) 2/12/18 0701 Temzick on 2/12/18 0701. The operator implemented an action plan which included Red Zone training. Possible

Inspector's Initials [illegible]

Supervisor’s Initials and Date [illegible] Page No. 7

*U.S. GPO: 2016–640-803*
Date: 2/5/18

increased observations, and dynamic testing procedures. The operator revised the roof control plan to include training, observations, DSS testing to follow.

Jay Glabe, Inc. Smart Zone Proximity System user guide when actually static and dynamic testing.
Date: 2/5/15

On 6/13/17 at approximately 8:43 p.m., a fatal accident occurred on the No. 1 working section (010-0/011-0 WMM). 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 #10C. The mine operator did not ensure the ESO on the #35-Cfm, serial # J055801, was only used for the purposes of relocating.

Inspector's Initials: ____________________________
Supervisor's Initials and Date: 10/14/16

Page No. 9

*U.S. GPO: 2016-640-803*
Date 2/5/15
the mining from an
unsafe location for repair.
Indeed the ESO was being
used by the operator during
the movement of the CRM
from one location to another
during the mining cycle.
This action overrides the
PDS and prevents the
system from preventing
frame and conveyor boom
swinging on the CRM while
the operator is positioned
in the shutdown zone. During
the investigation, MSHA
Tech. Support personnel learned
that the ESO of the #254
CRM was used approx. 1,000

Inspector’s Initials MM
Supervisor’s Initials and Date 2/5/15

*U.S. GPO: 2016-640-803*
Date 2/5/18

Times in the week prior to the accident. Additionally, it was determined that the ESD was used 57 times on 01-13-17 between 3:50 p.m. and 8:43:56 p.m. The total time the ESD was 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 coal from an unsafe location for repair or only. Therefore, the mine operator also had reason to know the audible or visual alarm did not activate when...
Date 2/5/18

The PGS was being overdrill by the RSO. During the fatal accident investigation, MSHA determined there was a practice of crew operating travelming the cross from place to place while they were positioned in the PGS shuttle which is located in the Red Zone.

03) 75.1732(b)

04) 125.4, 120.0 Mm

20, 1 Section

05(b) One on one per shift

2-13-17

05(c) Fatal - A miner was fatally injured when pinned between the cutting head

more

Inspector's Initials

Supervisor's Initials and Date 2/5/18 Page No. 12

*U.S. GPO: 2016-640-803
Date 2/5/18

and the coal rib while
bypassing the ESO.
DSE) One - crew member
fatefully injured when pinsed
between the cutter head
and the coal rib while
moving the arm. The
ESE was being bypassed
at the time of the
accident.

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

D(6) No mitigating circumstances. The operator denied having knowledge.

D(6)(c) One year, testing indicated the crew operators were using the bypass to save time while moving from one end to the other.

D(7)(a) Due to the amount of times the machine was being bypassed, it's practice is obvious.

Inspector's Initials: K. M. W.  
Supervisor's Initials and Date: M. J. H.  
Page No.: 14  
*U.S. GPO: 2016-640-893
Date 2/5/18

D7b) One year, the crew 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 WM

Supervisor’s Initials and Date WLR/ 15

*U.S. GPO: 2016-640-180*
Date 2/5/18

and used 87 times
the shift of the
accident
DE 2/21/18 0701

Terminated on 2/21/18
at 0702. The operator
implemented an ESO policy
which states “Except in the
case of an imminent danger
to the health and safety
of a miner, every operator
SHALT NOT utilize the
ESO or other equivalent
procedures for continuous
mining at any time unless:
The current operator obtains
verbal permission from mine
management, such as a mine

Inspector’s Initials

Supervisor’s Initials and Date

Date 2/5/15

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

Inspector’s Initials

Supervisor’s Initials and Date 12/30/15

*U.S. GPO: 2016-640-803
2/5/18

On 4/13/17 at approx. 8:43 p.m., a fatal accident occurred on the No. 1 Working Section, (001-01001110 10). A CR 3 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 1003. The mine operator did not task train this miner in the safety aspects and safe operating procedures of the CR 3, which included the OBS and ESO. The

Inspector's Initials: [Signature]
Supervisor's Initials and Date: [Signature]
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 on a fatally injure the victim while he was located within the PDS's shutdown zone. P3) 48.7 (c)

By: Rodney Osborne, victim.

OSHA: One - The victim of the fatality who was not properly trained.

OSHA: Fatel - The victim was fatally injured on 10-13-17 while training.
Date 2/5/18

The CMM machine position was in the Red Zone.

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

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

The statement indicated that no task training was provided.

None

March 10, 2017

This date is when the victim started opening the CMM at this mine.
(b) (6), (b) (7)(C)
Date: 2/5/15

It was determined that no task training was provided.

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

D-7f) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

allows the victim to operate the CMU 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

Supervisor's Initials and Date

Page No: 22

*U.S. GPO: 2016-6-10-803*
Date 2/5/18

properly trained the
victim possessed a
properly trained in the

CSM, resulting in a

fatal accident.

Signaled at 2/21/18

at 0703. The miner is

deceased and cannot be

trained. The operator

provided all CSM operators

additional training in coal

zone awareness, PDS,

and ESO use.

Inspector’s Initials MFM

Supervisor’s Initials and Date M3/1/18 Page No 23

*U.S. GPC: 2015-640-803
Date 2/5/15

DI 0703 Citation #8068577

O.1) Joy Global, Inc. initially set up or "commissioned" the POS on the Co. #2 254 drill, without the ability to activate an audible or visual warning signal when the POS was being overridden by the ESO. On 6-13-17 at approx. 8:43 a.m., a Rebel accident occurred on the No. 1 working section (010-0/011-0 MMW) while the victim was using the ESO. The use of the ESO overridden the POS and allowed the
Date 2/5/18

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

O3) 1732(b)
O4) 1254 MCM Serial #
SM5501

O5a) Once per shift
Fatal occurred on 6-13-17.

O5b) Fatal - A miner was fatally injured while bypassing the ES0 and PDS while training the CMM.

O5c) Once The CMM operator was pinned between the cutter head and coal rib while

Inspector’s Initials MRM
Supervisor’s Initials and Date Mactable  2/5

*U.S. GPO: 2016-640-803
Date: 2/15/18

The POS was being overrode using the ESC bypass.


DS: 2/12/18 0703

Terminated on 2/12/18 at 0703. Joy Global, Inc. traveled to the mine and updated the POS on the CMM and the machine now provides an visual alarm when the POS is being overrode.

Inspector's Initials: [Initials]

Supervisor's Initials and Date: [Initials] 2/16/18

Page No.: 26

*U.S. GPO: 2016-640-803
Date 2/5/18

1) 0704 Citation #9172135

2) On 6-13-17 at approx. 8:43 p.m., a fatal accident occurred in the No. 1 working section, (010-01/011-0MW).

A coal 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 1st open crosscut. The POS on the #254 CMH was inadequate because it would not activate an audible or visual warning signal when the POS was being

Inspector's Initials M.M.

Supervisor's Initials and Date 2/6/18

Page No. 27

Date 2/5/18

Overridden by the ES0.
On 6-13-17 at approx. 8:43 p.m., a Label Accident occurred on the No. 1 Working Section (010-011-0 W WW) while the victim was using the ES0. The person designated by the mine operator to check the ES0 did not ensure that the ES0 was functioning properly after it was commissioned. During the investigation, MSHA Tact. Support personnel determined that the ES0 of the #254 miner was used approx. 1,000 times in the week.
Date: 7/9/19

Prior to the accident, additionally, it was determined that the ES0 was used 87 times on June 13, 2017 between 3:50 PM and 8:53:56 PM. The total time the ES0 was used during this period was 57 minutes and 47 seconds.

Based on the amount of times the ES0 was activated, mine management had reason to know the ES0 was being used for reasons other than immediately preceding the MM from an unsafe location for repair only. Therefore, the mine operator

Inspector’s Initials: MCM
Supervisor’s Initials and Date: MML/18
Date 2/5/18

also had reason to know
the audible or visual
alarms did not activate
when the POS was being
overridden by FSG.

During the initial
accident investigation, MSHA
determined there was a
practice of CMM operators
turning off the CMM from
place to place, while they
were positioned in the
POS shutdown which is
located in the RealZone.

D3) 75.1732 CY
D4) #254 CMM Serial
# 5145801 010-0 MNU
D5b) One Once Per Shift

Inspector’s Initials M. Fink
Supervisor’s Initials and Date 2/9/18  Page No. 30

*U.S. GPO: 2016-640-803
Date 6/13/17

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

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

Based on testimony and the amount of time the
Date: 2/15/18

P85 was bypassed. The operator had reason to know the visual or audible alarm did not function.

D7b) Note

D8c) Feb 2017. This CMDS was set up or commissioned in Feb 2017.

D7a) The amount of time the condition existed and the amount of times the P85 was bypassed makes this obvious and extensive.

D7b) Since Feb 2017 when the P85 was set up

Inspector's Initials: MEB

Supervisor's Initials and Date: M2/18/18 Page No. 32

Date 2/5/18
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 POS testing of the

D7c) Testimony revealed that the operator had knowledge. Additionally, the amount of times the
POS was overcode during the previous week and during the shift of the accident the
operator had reason to

Inspector's Initials MM

Supervisor's Initials and Date 4/21/18

Page No. 33

*U.S. GPO: 2016-640-803
Date 2/5/18

Knew the condition existed.
(b) (6). (b) (7) (C)
(b) (6), (b) (7) (C)

was responsible for verifying
the PDS was working
properly and required
for placing DTS on a
date board showing the
he examined the PDS,
DTS) No corrective
actions.
(b) The PDS was
being overused to save
from place to place.
(b) Terminated on
2/21/18 at 0704. Joy
Global, Inc. installed an
Update to the POS on the chart and the system now provides a visual alarm when the PWS system is being overrode.
Date 2/5/18

Worked on mine file report.

Completed paperwork.

Inspector’s Initials M.S.E.
Supervisor’s Initials and Date 2/16/18

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*U.S. GPO: 2016-640-803
### U.S. Department of Labor
#### Mine Safety and Health Administration

**Minn Activity Data**

|------------|--------------|-----------|--------------------|-----|

**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
- b. Interim
- c. Last
- d. Not Applicable

**12. Area of Inspections**
- a. Active Sections 2
- b. Idle Sections 0

**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**

<table>
<thead>
<tr>
<th>Citations</th>
<th>Orders</th>
<th>Safeguards</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. This Inspection</td>
<td>Coal Opr</td>
<td>Ind Con</td>
<td>Coal Opr</td>
</tr>
<tr>
<td>(1) New Issuances</td>
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<td>(2) Terminations/Vacations</td>
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<td>(2) Terminations/Vacations</td>
<td>0/0</td>
<td>0/0</td>
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</tr>
</tbody>
</table>

**18. Signature and Card Number of Authorized Representative/Right of Entry Person(s) Responsible for Activity**

**Card Number**
- a. 25214
- b. 24938
- c. 25180
- d. 24719

**19. Key Entered By**

**MSHA Form 2009-22. Oct. 85 (Revised) Previous editions are Obsolete**
Mine Citation/Order

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

Section I—Violation Data

1. Date: 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

8. Condition or Practice:
(A) Health Safety or Other:
(B) Section of Act:
(C) Part/Section of Title 30 CFR:
2. Written Notice (103g)
75.1732(c)(1)

9. Violation:

10. Gravity:
A. Injury or Illness (has) (is):
B. Injury or illness could reasonably be expected to be:
C. Significant and Substantial:

11. Negligence (check one):
A. None
B. Low
C. Moderate
D. High
E. Reckless Disregard

12. Type of Action:
104(d)(1)

13. Type of Issuance (check one):
A. Citation
B. Order
C. Safeguard
D. Written Notice

14. Initial Action:
A. Citation
B. Order
C. Safeguard
D. Written Notice

15. Area or Equipment:
Company #254 Continuous Mining Machine located on the 010-0 MMU

16. Termination Due
A. Date: 02/02/2018
B. Time (24 Hr. Clock)

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: 02/02/2018
B. Time (24 Hr. Clock): 0704

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

See Continuation Form (MSHA Form 7000-3a)

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...
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 trawming 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 override.

MSHA Form 7000-3a, Mar 85 (revised)
(b) (5), (b) (7)(A)
(b) (5), (b) (7)(A)
(b) (5), (b) (7)(A)
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.
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)
 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 [ ]
   [ ]

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
   (Contractor)

6. Mine
   GATEWAY EAGLE MINE

7. Mine ID
   46-06618

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) [ ]

   [ ] C. Vacated [ ] D. Terminated [ ] E. Modified

Section IV—Inspection Data

9. Type of Inspection
   E06

10. Event Number
    7003113

11. AR Name
    Mark E. Muncy

12. Date Mo Da Yr
    02/02/2018

13. Time (24 Hr. Clock)
    0702

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

10. Gravity:

A. Injury or Illness (has)(is): No Likelihood □ Unlikely □ Reasonably Likely □ Highly Likely □ Occurred □

B. Injury or Illness could reasonably be expected to be:

No Lost Workdays □ Lost Workdays Or Restricted Duty □ Permanently Disabling □ Fatal □

C. Significant and Substantial: Yes □ No □ D. Number of Persons Affected: 001

11. Negligence (check one) A. None □ B. Low □ C. Moderate □ D. High □ E. Reckless Disregard □

13. Type of Issuance (check one) Citation □ Order □ Safeguard □ Written Notice □

14. Initial Action

A. Citation □ B. Order □ C. Safeguard □ D. Written Notice □

15. Area or Equipment

16. Termination Due

A. Date Mo Da Yr 02/02/2018 B. Time (24 Hr. Clock) 0701

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

18. Terminated

A. Date Mo Da Yr 02/02/2018 B. Time (24 Hr. Clock) 0702

19. Type of Inspection (activity code) E06

20. Event Number 7003113

21. Primary or Mill

22. AR Number 23. AR Name

Mark E. Munsey

25214
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.
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 page 19: “When trammimg the CMM to the next place, other then 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.

See Continuation Form (MSHA Form 7000-3a)

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

MSHA Form 7000-3, Apr 08 (revised)
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 tramming 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.

MSHA Form 7000-3a, Mar 85 (revised)
An fatal accident has occurred at this operation on 06/13/2017 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.

Section II—Inspector’s Evaluation

10. Gravity:
   A. Injury or Illness (has) (is): No Likelihood [ ] Unlikely [ ] Reasonably Likely [ ] Highly Likely [ ] Occurred [ ]
   B. Injury or illness could reasonably be expected to be:
      No Lost Workdays [ ] Lost Workdays or Restricted Duty [ ] Permanently Disabling [ ] Fatal [ ]
   C. Significant and Substantial: Yes [ ] No [ ]
   D. Number of Persons Affected:

11. Negligence (check one) A. None [ ] B. Low [ ] C. Moderate [ ] D. High [ ] E. Reckless Disregard [ ]

12. Type of Action 103(k)

13. Type of Issuance (check one) Citation [ ] Order [ ] Safeguard [ ] Written Notice [ ]

14. Initial Action A. Citation [ ] B. Order [ ] C. Safeguard [ ] D. Written Notice [ ]

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)

Section III—Termination Action

17. Action to Terminate

18. Terminated A. Date Mo Da Yr [ ] B. Time (24 Hr. Clock)

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

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.
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.
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.
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.
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.
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.
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 Joy 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.
**Section I—Subsequent Action/Continuation Data**

1. Subsequent Action 1a. Continuation [ ]

2. Dated (Original Issue) Mo Da Yr
   06/13/2017

3. Citation/Order Number 8068571 - 07

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**

<table>
<thead>
<tr>
<th>Change</th>
<th>From</th>
<th>To</th>
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**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.

**Section III—Subsequent Action Taken**

8. Extended To
   A. Date Mo Da Yr
   B. Time (24 Hr. Clock)
   [ ] C. Vacated [ ] D. Terminated [ ] E. Modified

9. Type of Inspection E06

10. Event Number 7003113

**Section IV—Inspection Data**

11. AR Name
   Rex A. Hampton

   AR Number 24938

12. Date Mo Da Yr
   06/21/2017

13. Time (24 Hr. Clock)
   1230

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

[Signature]

6-21-17
Section I–Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation ✓

2. Dated (Original Issue) Mo Da Yr
   06/13/2017

3. Citation/Order Number 8068571-08

4. Served To
   Luke Stepp - Superintendent

5. Operator
   ROCKWELL MINING LLC

6. Mine
   GATEWAY EAGLE MINE

7. Mine ID (Contractor)
   46-06618

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.
Section I—Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation ✓
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 (Contractor)

6. Mine
   GATEWAY EAGLE MINE
7. Mine ID
   46-06618

Section II—Justification for Action

Change

From

To

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.

Section III—Subsequent Action Taken

8. Extended To
   A. Date
   B. Time (24 Hr. Clock) Yr
   ☑ C. Vacated ✓ D. Terminated ☐ E. Modified

Section IV—Inspection Data

9. Type of Inspection
   E06
10. Event Number
    7003113

11. AR Name
    Rex A. Hampton
12. Date
    AR Number 24938
    06/22/2017
13. Time (24 Hr. Clock)
    1138

MSHA Form 7000.3a, Mar 85 (revised)
Change From To

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.
**Section I—Subsequent Action/Continuation Data**

<table>
<thead>
<tr>
<th>1. Subsequent Action 1a. Continuation</th>
<th>2. Dated (Original Issue)</th>
<th>3. Citation/Order Number</th>
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<td>8068571 - 11</td>
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<tr>
<th>4. Served To</th>
<th>5. Operator</th>
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<tbody>
<tr>
<td>Rex Osbourne</td>
<td>ROCKWELL MINING LLC</td>
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<tr>
<td>GATEWAY EAGLE MINE</td>
<td>46-06618</td>
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**Section II—Justification for Action**

**Change**

**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.

**Section III—Subsequent Action Taken**

<table>
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<th>8. Extended To</th>
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<tbody>
<tr>
<td>Rex A. Hampton</td>
<td>06/23/2017</td>
<td>1550</td>
</tr>
</tbody>
</table>

MSHA Form 7000-3a, Mar 85 (revised)
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.
The investigation is now complete.