"Office"

MSHA Form 7000-10I, June 93 (revised)

DAILY COVER SHEET

Date 2 2 18 Event No. 7003113
Arrived at the Mine Departed from the Mine
List Records Books Checked
Accompanied By: Company Representative
Miners Representative
AREAS OF INSPECTION ACTIVITY: Typus Citalians to Management
Mine I.D. 46-06 618 Event Type 506 MINE SHIFT: Day &, Evening Owl
Shift Type: Prod; Maint; Idle
Inspector's Initials
Supervisor's Initials and Date Page No
G2O* U.S. GPO: 2015-541-714



DAILY COVER SHEET

Date 2 5 1 8 Event No. 7003113
Arrived at the Mine _ 🍪 \ 🐪 _ Departed from the Mine _ 🕬
List Records Books Checked W/W
Accompanied By: Company Representative
Miners Representative W \ \A
AREAS OF INSPECTION ACTIVITY: SAR'S Cilly Doles
Citalia Doles
Mine I.D. 46-0661 Event Type 506 MINE SHIFT: Day X, Evening, Owl Shift Type: Prod, Maint, Jidle
supervisor's Initials and Date 1/4/8 Page No.
GLO U.S. GPO: 2015-541-714

Date 2 5 18
All citalians were
issued on 2/2/18
and due to time
Constraints the
notes were complished
0-215/18.
Inspector's Initials
Supervisor's Initials and Date M 4/4/18 Page No. 2
*U.S. GPO: 2016-640-803

Date 2/5/18

DI) 5700 Citalian # 8068574 D2) On June 13 2017, at approx. 8:43 p.m. a falal accident occurred on the Working Section (010-0) mining Machine operator was pinned between the ulining machines right Side culter head and the coal rib, while moving the medaing machine from the # 3 entry into the LOCK The operator did not comply with provisions of the approved root control plan the # 1 Working Section.

Inspector's Initials WEW

Supervisor's Initials and Date Mula/8 Page No.

Date 2/5/18 (010-0 mmu) specifically page 19: "When tramming the count to the next place, other than cutting or loading coul, no one will be located along either side of the com and they will being Safe localion outby the boom and head. All personnel shall rement at least 4 feet outgide the redzone in all directions, page 8 Item 36, "When the continuous mine is being transmed anywhere in the mine, other than when cutting Inspector's Initials _____ Supervisor's Initials and Date We 2/8/18

(1001000)
Date 2 5 18
or loading Coal, no person
shall be allowed along
either side of the com
Page 1) I fear # 1. "Dury
mining and place changing
with the remote control
mines: all persons Short
be positioned in an area
that will afford maximum
protection to themselves
and others from unsuppoles
roof and moving equipment.
Page 11 Them #2: During
place Changing all persons
Theolisal on the move shall
be positioned in an area
outside the Red Zong of
The continuous miner atall
Inspector's Initials
Supervisor's Initials and Date New York

Date 2/5/18
times while the miner is
being trammed. Dung
the fatal accident invest.
MSHA defermed there
was a practice of CMM
spendors transing the
Cours from place to place
while they where positioned
in the Red Zone.
D3) 75. 220 (a)(1)
D4) 010.0 mmy #254
crim.
DSb) One Once per Shift
6.13-17
DSC) Fetal a nine sas
Catally injured after being
aught between the
cutter head and coal 1.3
Inspector's Initials WELL
Supervisor's Initials and Date W7/1/N Page No.
*U.S. GPO: 2016–640-803

Date 2/5/18
while positioned in
the Red Zone.
DSO) One - CMM
opentor fatally injural
0- 6-13-17 While positional
in the Red Zone.
Dbc) One Year - Tostomony
from court operators
Status that they would
position themselves in
the red zone frequently
in order to save time
to move the CMM.
DS) 2/2/18 0701 Termole
on 2/2/18 0701. The
openhor implementes an
cetion plan which included
Zed Zone training PAStaly
Inspector's Initials WEM
Inspector's Initials
*U.S. GPO: 2016-640-803

Date 2/5/18
increased observations,
and dynamic testing
procedures. The openha
revised the roof
Control plan to include
training, observations,
PDS testing to follow
Jay Global Inc. Smed
ZONE Proximity System
use quide when conduly
Sactice and dynamic testing,
Inspector's Initials WEM
Supervisor's Initials and Date WU6/18 Page No. S *U.S. GPO: 2016–640-803

Date 2 5 18

DI) 0701 Citation #8068575 Da) On 6-13-17 at approx. 8:43 p.m. a fatal accident occorred on the No. 1 Working Section 010-0 011-0 mm. A condining prining machine spends. was pinned between the mining mechina's right side cutter head and the cool gib while money the machine from the #3 entry into the LOCC. The wine operator did not the #254 cmm serial # JMS801, was only used for the purposes of ralocapie MEDI Supervisor's Initials and Date Neglator

The second secon
Date 2 5 18
the produce from on
ungate localus for repair.
Instead the ESO was being
used by the openhar during
The movement of the CMM
from one localion to another
during the revising cycle.
This action overides the
PDS and presents the
System from premuling
from and conseyor boom
Swing on the course white
the opender is positioned
in the shuldown zone. Dung
the in resting he MA
Tech. Support personal deland
that the ESO of the #254
Come was used approx. 1,000
Inspector's Initials Page No Page No

Date 2 5 18
times in the weak prior
to the accident. Additionally
it was defermined that the
ESD was used 87 times
on 6-13-17 betreen 3:50
8. M. an 8:43:56 p.m. The
total time the com openhad
during this period was 57
monutes and 4 seconds
Based on the amount of
time the E50 was being
used for reasons other than
relocating the cours from
an unsafe location for repor
only. Therefore, the mine
operator also had reason to
Know the and ible or visual
alarm did not activelewhen
Inamentaria Initiala MEM
Supervisor's Initials and Date MUSII8 Page No. 1

the PDS was being overridden
by the ESO. During the
fested accident investigable,
NSHH determinant Herewas
a practice of CMM operates
tranning the CMM sperates
place to place, while they
were positioned in the PDS
Shuldown which is located
in the Redone.
D3) 75.1732(5)
D4) #254 CMM OIEO-O MM
Do. 1 Section
D5b) One on a parshift
le-13-17
D5C) Fatel - A minutes
Section the cultured

Supervisor's Initials and Date #26/18

	2	2	
Date	0)	18

and the coal rib while bypessing the ESO.

DSH) One - Chen opendo Fatolly injured when pirmed between the cutter head and the coal rib while moving the count. The PDS was being bypessed at the time of the

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

Inspector's Initials WEW

Supervisor's Initials and Date Me 1/2/18 Page No. 13

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

, ,
Dlob) No nitigaling
Orcumstances. The
operator denied having
Knowledge.
DGC One year. Testim
Indicated the Cum
operators were using
the bypess to save
time while maning
from one out to the
next.
D7a) Due to the amount
of times the machine
was being bypossed this
Practice is Obious.
Inspector's Initials
Supervisor's Initials and Date

Date 2 5 18
D7b) One year, the
Cour openelos Stabel
they had been using the
bypass on a regular basis
to save time while trames
from place to place.
DTC NONE
107c) NONE 107d)(b)(6),(b)(7)(C)
(b) (6), (b) (7)(C)
W7e) The spends had reco-
to Know due to the
excessive use of the
Eso being bypessed.
D7g) No corrective actives
were taken
D7h) The ESO was bypassed
approx 1,000 times in the
week prior to the accident,
Supervisor's Initials
Supervisor's Initials and Date 42/4/18 Page No. 15
*U.S. GPO: 2016-640-803

Date 25 18
and used 87 times
the shift of the
accident
D8) 2/2/18 0701
Terminal on 2/2/18
at 0702. The operator
implemented on £50 policy
which stales "Except in the
case of an imment danger
to the health and scholy
of a niner, com operators
SHALL NOT Williage the
ESD or other equivalent
procedures for continuous
notices at any flow unless is
The com operator obtains
verbal permissia from Mile
Management such es a Mine
Inspector's Initials War
Supervisor's Initials and Date M2/1/8 Page No. 16
*U.S. GPO: 2016-640-803

51 1
Date 2(5/18
Foremen or other appropriate
mine management personnel;
mine management must
Observe the CMM openbur
engage the £50 or other
equivalent oversi de procedus
for Chim's to ensure safe
Druceolines
Inspector's Initials WEM
Supervisor's Initials and Date <u>MC 2/1/18</u> Page No. 17
*II.S. CBO: 2016, 640, 902

2/5/18

DI) 0702 Citatian 8068576 D2) on 6-13-17 at approx. 8:43 p.m., a fatal accident occurred on the No. I Working Section, (010-0/011-0 mmu), between the mining muchine's right side cutter head and the coal rib while morning the unining machine from the No. 3 entry in and safe openeding procedures of the CMM, which included the DDS and ESO. The

Inspector's Initials _____

Supervisor's Initials and Date 14/6/18

Date 2 5 18
wichm was using the
Eso when the fatality
Occured. Ma use of the
ESO overrade the PDS and
allowed the mining muching
to operate on a fatally
injure the victim while
he was located within
the ADS'S Shutdown zone.
D3) 48.7 (c)
Dy) Rodney Osborne,
victia.
DSD) One - The victim
of the Catality who
was not properly trained,
DSC) Fabal - The victim
was fatally injuredon
10-13-17 while tremming
Inspector's Initials
Supervisor's Initials and Date <u>M2/6/1</u> X Page No. <u>19</u>
*IIS GPO: 2016 640 202

MSHA Form 7000-10K, June 93 (revised)
Date 2 5 18
the Crush while positional
in the Rad Zone
DSd) One - Cum openha
Latallyinjured or 6-13-17
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) 3 teleut
of a river who the spends
Shaked provided the took
training contridition the
Operators Sockerund The
Statement indicated
that no task training
was provided.
DGb) None
D6C) March 10, 2017
This date is when the
victim Started opening
the CMM of this wine
Inspector's Initials When
Supervisor's Initials and Date NE2/6/14 Page No. 20
*U.S. GPO: 2016-640-803

Date 2 5 18
DTa Obious and
extensive due to the
operator is required to
provide task training
to all miners who are
assigned to opende
wining equipmed.
D75) Sine March 10, 2017.
This date is the date
the victime was assigned
to operate the court.
DTC) NONE
(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

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

The fermion of the officer

Inspector's Initials and Date M 2/8/18

Page No. 21

Date 2(5)18
it was determined theh
no tesk training was
Provided.
D7e) The operator did
not provide proper damable
Indicating that the victim
was task trained
(b) (6) (6), (b) (7)(C)
(b) (6), (b) (7)(C)
allowed the victim to
operate the Count without
being properly trained.
The act States an
untrained miner is a
hazard to himself and
Others.
D79) No effort.
D7h) Due to not being
Inspector's Initials
*U.S. GPO: 2016–640-803

Date 2 5 18
properly trained the
wretim by 0055001 a
Sahahy feeture on the
Cour resulting in a fatal accident
D8) Termineled on 2/2/18
at 0702. This mine is
decreased and Cannot be
trained. The openha
pravided all CMM spentus
additional training in red
Zone oworeness PAS,
and Esouse,
Inspector's Initials MF M
Supervisor's Initials and Date #12/4/18 Page No. 23

Date 2 5 18

0703 Citchion # 8068577 Da) Joy Globel, Inc. intially Set up or "commissioned" the POS on the Co. # 254 Curlwithout the ability to activele an audible or Vigual warning signal when the PDS was being overridden by the ESO. on 6-13-17 at approx. 8:43 f.m. a Tabel accident occurred on the No. 1 Working Section (010-0/011-0 using the Eso. The rese of the ESD overrode the PDS and allowed the

Inspector's Initials WEW

Supervisor's Initials and Date Mulally

_ Page No.

Date 2 5 18
verining reachine to sparale
and betally injure the
victim while he was in
the PDS Shutdown zone.
D3) 75.1732(b)
DY) #254 CHIM Serial #
JM5801
055) One Once pershift
Feld occured on 6-13-17.
DSC) Fatal - A miner
was fatally injured
while bypassing the Eso
and PDS while training
the count.
DSa) One The CHUM
operalar was pinnad
between the Culter
need and cool rib white
nspector's Initials
Supervisor's Initials and Date Molby Page No. 25
*U.S. GPO: 2016-640-803

Date 215/18
the PDS was being
override using the
Eso bypass.
DGC Feb. 2017. Joy
Global, Inc. initially
Set up or "commission"
the # 254 CMM in
Feb. 2017.
D8) 2/2/18 0703
1 er mi-lea on 2/2/18
at 0703. Joy 6106-1,
Inc. travalad to the
mine and updated the
PDS on the CMM and ter
machine now provides
a.v. sual elern when
the PDS is being overrode.
Inspector's Initials 71
Supervisor's Initials and Date Medillo

Date 2/5/18

DI) 0704 Citalia #9172135 D2) On 6-13-17 at approx. 8:43 p.m., a fatal exceeded occurred on the No. 1 working Section, (010-0/011-0 MMU) A cour operator was pinned between the mining machines right side cutter head an 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 audilly or visual warning signal when the PDS was being Supervisor's Initials and Date M2/6/18 Page No. 27 *U.S. GPO: 2016-640-803

Date 2 5 18
overridden by the £50.
On 6-13-17 at approx.
8:43 pm., a fetal accident
occurred on the No. 1
working Section, (010-0/011-0
MMM while the victim
was using the Eso. The
Perso-dosignaled by the
mine operator to check
the PDS did not ensure
that the fos was functions
properly after it was
Commissional During the
investigation, MSHA Tack.
Support personnel determine
that the \$50 of the \$254
miner was used approx.
1,000 times in the week
Inspector's Initials
Supervisor's Initials and Date Medical Page No. 28
*U.S. GPO: 2016-640-803

(ronod)
Date 2/5/19
prior to the accident.
Additionally it was determined
that the ESO was used
87 Has on June 13, 2017
between 3:50 P.M and
8: \$3:54 p.m. The total
time the Eso was used
during this period was
57 minutes and 4 Seconds.
Bezed on the amount of
Limes He Esowes
actinated nine managenet
hed reason to Know the
ESO was being used for
reasons other than relocking
the CHM from an unsale
location for repair only.
therefore, the nine openhar
Inspector's Initials ME m
Supervisor's Initials and Date 18/6/18 Page No. 29
*U.S. GPO: 2016–640-803
0.5. df 0. 2010–040-003

Date2 5 18
also had reason to Know
the audible or visual
alarm did not activele
when the POS was being
overridden by £50.
During He Letal
accident investigation, MSHA
determent there was a
prechice of Comm openhas
traming the CHM from
glace to place, while they
were positioned in the
POS shutdown which is
located ! - He Real Zone.
03) 75.1732(c/1)
DY) #254 CMM Sonal
JM5801 010-0 MMU
OSb) One Once Per Shift
nspector's Initials M &u
Supervisor's Initials and Date 46/4 Page No. 30
*U.S. GPO: 2016–640-803

Date 2(5)18
6-13-17
DSC) Fatal - A cmm
operator was takelly injure
while bypossing the PDS
amossing the HDS
while using the ESO
Junelian on 6-13.17.
DSd) One The Count
Operator was fatally
injund while positioned
in the D
in the Rad Zona. The
Could opende was using
the Eso bypossing the
PD3 at the time of
the accident
(h) (g) (h) (7)(C)
(b) (6), (b) (7)(C)
(b) (b) (1)(c) Result
on testimony and the
amount of times the
Inspector's Initials W&W
Supervisor's Initials and Date 18 Page No. 31
*U.S. GPO: 2016-640-803

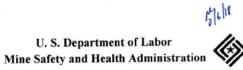
Date 2 5 18
Posses bypessed the
spender had reason to
Know the visual or
audible clan did not
Surchion.
DED) NONE
Doc Feb 2017. This
Chine was sat
up or Commissioned in
Feb 2017.
D7a) The amount of
time the condition
existed and the amount
of times the Poswes
bypassed makes this
Obvious and exhausine
D7b) Sine Feb 2017 When
the Pas was setup
Inspector's Initials &
Supervisor's Initials and Date 1/6/16 Page No. 32
*U.S. GPO: 2016-640-803

Date 2)5 18
or Commissioned.
D7C) NOWE
p7d (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
Cum.
DTe) Testing states
that the operator had
Knowledge Haldithonelly
the amount of times the
PDS was overode dunce
the previous week
and during the shock
of the accident the
opened hed season to
Inspector's Initials
Supervisor's Initials and Date 12/1/8 Page No. 33
*U.S. GPO: 2016-640-803

Date 2 5 18
updale to the POS
on the our end the
System now provides
a visual alarm when the
PDS system is being
overrode.
Inspector's Initials WEW
Supervisor's Initials and Date 4/2/4/18 Page No. 35
*U.S. GPO: 2016-640-803

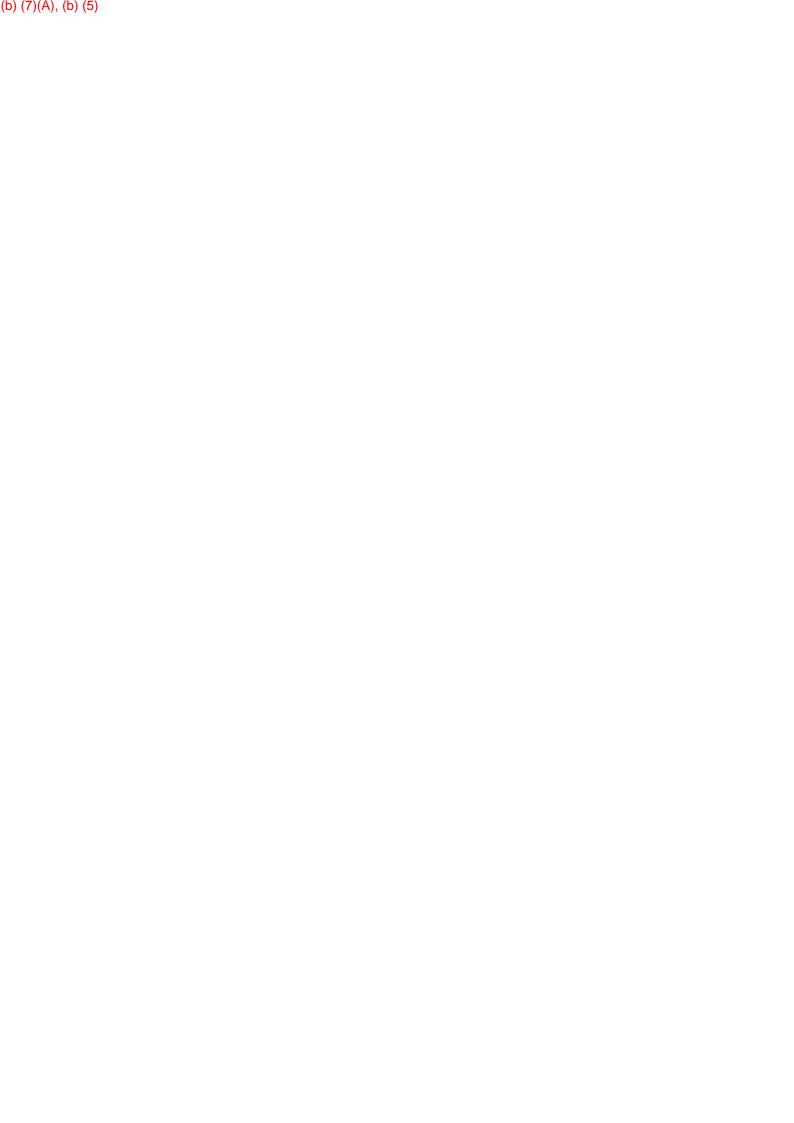
MSHA Form 7000-10K, June 93 (revised)

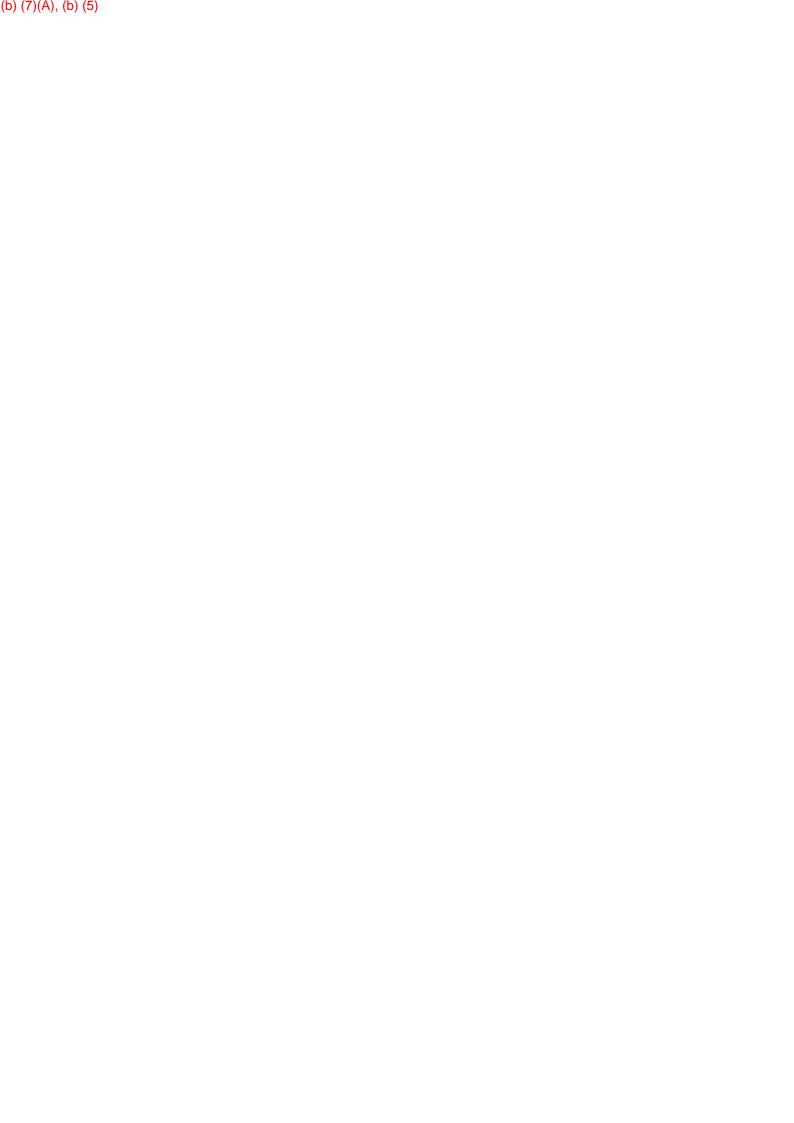
Date 2 5 18
Worked on mine Tile report.
Completed paperwork
Inspector's Initials
*U.S. GPO: 2016-640-803

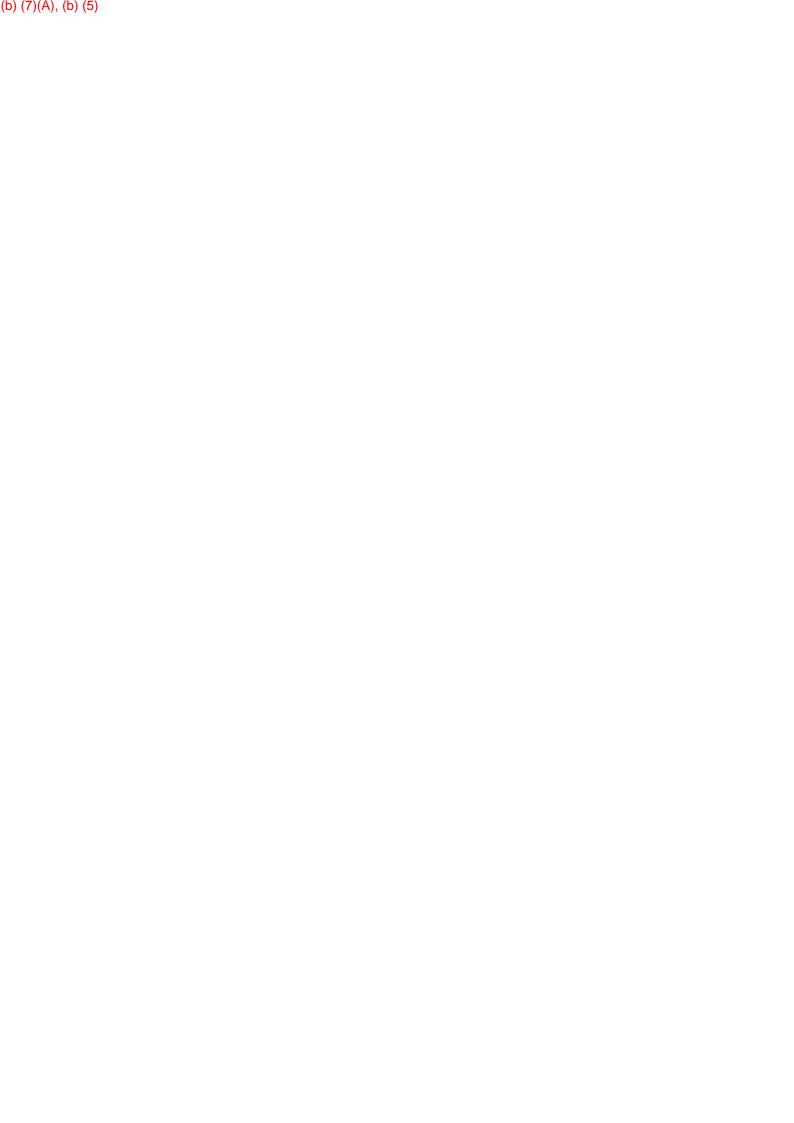


1. Action: a. New Entry □ b. Update ✓	2. Activity Code: E06		3. Ev	vent Num	nber: 70	00311	3			
4. Date Event 6/13/2017 Started:	5. Date Event Finished:	2/5/201	6. M	ine ID:	46-06	6618				
7a. Organization Code	b. Work Group Identifier 02	9. Compa	ny Name	RO	CKWEL	L MININ	G LLC			
21201	b. Work 02 Group	10. Mine	Name	GA	TEWAY	EAGLE	MINE			
11. Report Type (check one) a. First b. Interim	c. Last	d. Not Applicable		2. Area o		a. Active Sections	2	b. I Sec	dle tions 0	
c. Outby d. Shafts/ e. Surface Areas Slopes Areas (UC		g. Compa Records	ny 🗸	h. ATF	i	. Impoun	dments		j. Refuse Piles	
k. Major Construction (1) Shaft/ 0 Slope Sinking (2) Impound Construction			Dragline/ ovel:	0	(5) Othe	er ()	1. Mis	scellaneo	ous 🗌	
m. MMU/Pit Number (1) 0100 (2) 0110 (3) 0120 (4) 0130		-								
13. Number of Samples Collected a. Air 0 b. Rock Samples Spot		Rock Dust 0 Survey	d. Respi Dust	rable (0	e. Noise	0	f. Ot	her 0	
14. Impoundments/Refuse Piles: a. Number b. FHC c. Configuration	Codes (Ma	pendent Contractor ijor Construction)								
a. Number 6. Free c. Comiguia	16. Inspection	Results								
			Citation	ns	Orders	S	Safegu	ards	Othe	
	a. This Ins	pection	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con	Coal Opr	Ind Con
	(1) New	(1) New Issuances			3	0	0	0	0	0
	(2) Term	ninations/Vacations	2/0	1/0	3/0	0/0	0/0	0/0	0/0	0/0
	(3) Mod	ifications/Extensions	0/0	0/0	12/0	0/0	0/0	0/0	0/0	0/0
	(4) Left	Pending	0	0	0	0	0	0	0	0
		sly Issued								
		lifications/Extensions	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
	(2) Term	ninations/Vacations	0/0	0/0	0/0	0/0	0/0	0/0	0/0	0/0
18. Signature and Card Number of Authorized Report Right of Entry Person(s) Responsible for Activity	resentative/ ty	17. Remarks:								
	Card Number									
a.	25214									
b.	24938									
c.	25180									
d.	24719									
19. Key Entered By	Date									
(b) . (1)										

MSHA Form 2000-22. Oct. 85 (Revised) Previous editions are Obsolete







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



25214

Section IViolation Data			· · · · · · · · · · · · · · · · · · ·			
	2. Time (24 Hr. Clock)		3. Citation/ Order Number 9172135			
02/02/2018 4. Served To	0704	E Operator	Order Number 9172133			
LUKE STEPP, SUPERINTE	ENDENT	5. Operator ROCKWELL MINING LLC				
6. Mine	ENDENT	7 Mine ID				
GATEWAY EAGLE MINE		46-06618	(Contractor)			
8. Condition or Practice			8a. Written Notice (103g)			
No. 1 working sect operator was pinned the coal rib while last open crosscut mining machine was visual warning sign overridden by the approximately 8:43 section, (010-0/01 designated by the	tion, (010-0/011-0 MM ed between the mining met. The proximity dets inadequate because gnal when the proximit emergency stop overrappens, a fatal accidental mine operator to cheroperly after it was	MU). A continuous machine's right hachine from the ection system or it would not act ty detection system (ESO). On a lent occurred on rictim was using eck the PDS did rommissioned.	side cutter head and No. 3 entry into the the No. 254 continuous civate an audible or tem (PDS) was being June 13, 2017, at the No. 1 working			
Safety ✓ Other		Part/Section of Title 30 CFR	75.1732(c)(1)			
Section IIInspector's Evaluation						
10. Gravity:A. Injury or Illness (has) (is): N	lo Likelihood Unlikely	Reasonably Likely	Highly Llkely ☐ Occurred ✓			
B. Injury or illness could reasonably be expected to be:		days 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. M	noderate ☐ D. High •	E. Reckless Disregard			
12. Type of Action 104(d)(1)	13. Type of Issuand	e (check one) Citation	Order ✓ Safeguard Written Notice			
14. Initial Action A. Citation ■ B. Order C.	. Safeguard D. Written Notice	E. Citation/ Order Number	F. Dated Mo Da Yr 02/02/2018			
15. Area or Equipment Compa	any #254 Continuous M	Mining Machine lo	ocated on the 010-0 MMU.			
16. Termination Due A. Date	Mo Da Yr B. Time (24 Hr. Clock)					
Section IIITermination Action						
			he proximity detection			
			n now provides a visual			
	oximity detection sys	tem is being				
18. Terminated A. Date $\frac{\text{Mo Da}}{02/02/}$	IR Time (24 Hr Clock	0704				
Section IVAutomated System Data	•					
19. Type of Inspection (activity code)	20. Event Number 7003113	21. Primary or Mill				
22. AR Name			23. AR Number			

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.

right to contest citations and proposed

Mark E. Muncy

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



Section ISubsequent Action/Continuation I	Data						
1. Subsequent Action 1a. Continuation	n 2. Dated (Original Issue)	Mo Da Yr 02/02/2018	3. Citation/ Order Number 9172135				
4. Served To		5. Ope	5. Operator				
LUKE STEPP, SUPERINTEN	IDENT	ROC	ROCKWELL MINING LLC				
6. Mine			7. Mine ID (Contract				
GATEWAY EAGLE MINE			46-06618				
Section IIJustification 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 IIISubse	quent Action Ta	aken									
8. Extended To	A. Date M	o Da	Υr	B. Time (24	1 Hr. Clock)	, ,,,,,	C. Vac	ated	D. Terminated	E. Modified	
Section IVInspec	tion Data			I							_
9. Type of Inspe	ection E06		10. E	vent Numbe	r 7003113						
11. AR Name					AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ck)	
Mark E. Mu	ncy				25214		02/02/2	018	0704		

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

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

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

Mine Citation/Order

U.S. Department of Labor



							Mine Sa	fety and	d Health	Adminis	stration			4	//
Section IViolati	on Data							•							
1. Date	Mo Da 02/02/2		2. Time	24 Hr. C						3. Citatio	on/ Number	8068	577		
4. Served To						$\neg \uparrow$	5. Operat	or							
JOSH BUR	NS						JOY G	LOBAL	, INC						
6. Mine							7. Mine II	16	-0661	0	ZD	 Г			
GATEWA		LE MIN	E					40	-0001	8	ZD.	L		(Contract	or)
8. Condition o												8a. Writte			
system activat system June 13 No. 1 w The use	on th e an (PDS) , 201 orkin of t	e No. audik was 7, at g sec he ES	254 ble or being appr ction,	cont vis ove coxim (01 errod	set up or inuous mir ual warnir rridden by ately 8:43 0-0/011-0 e the PDS tim while	ning ng s y the B p.1 MMU and	mach ignal e eme m., a) whi allo	ine wher rgend fata le the the wed to	withon the cy sto al aco ne vio the ma	ut the proxicop ovecident ctim wining	e abi	llity detected (ESCourred ising to the total contract)	to ctic O). on the	On the ESO.	÷
9. Violation	A 11-244		D. Cartia			l o 5				See 0	Continuation	on Form (MSF	-IA Form	i 7000-3a)	
	A. Health Safety Other	/ ☑ r□	B. Section of Act				art/Section le 30 CFR			75.	1732(t))			
Section IIInsper	ctor's Evalua	ation													
Gravity:A. Injury or	Illness (ha	ac) (ic):	No Likelih	ood 🗆	Unlikely		Dagaanah	بالما الماء		10-46-10-	.i. 🗆	0		a	
B. Injury or	illness co	uld rea-		t Worko			Reasonab ys Or Res			Highly Llke Perman			ırred ✓	ital 🗸	
C. Significa	nt and Su			s 🗸	No 🗆		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,					ons Affected	al.	001	
11. Negligence	check o	ne)	A. None			C. Mod	derate		D. High	/	E. Rec	kless Disreg		2000	
12. Type of Ac	tion 1	04(a)			13. Type of Issu	uance (check one		ition 🗸	Order		eguard 🗌		ten Notice	
14. Initial Action A. Citation	n B. Or	der 🗌	C. Safegua	ard 🗌	D. Written Notice		E. Citation Order N					F. Dated	N	∕lo Da Yr	ı
15. Area or Eq	uipment														
16. Terminatio	n Due	A. Date	Mo Da 02/02/2		B. Time (24 Hr. Clo	ock)	070	3							
Section IIITerm	ination Action	on			- h										
17. Action to T	erminate	Joy	Globa	1, I	nc. travel	ed 1	to th	e mir	ne and	d upda	ated	the pi	roxi	mitv	
detecti	on sy													J	
detection system on the continuous mining machine and the machine now provides a visual alarm when the PDS is being overrode.															
18. Terminated		Mo D	a Yr 2/2018		(24 Hr. Clock		703	Ī		***************************************					
Section IVAutor	mated Syste		2010												
19. Type of Ins	pection		20. Even	Numbe	700311	2	21.	Primary o	or Mill						
(activity co	de)	F06	ı		/ (///) 1 1	.)				1					

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.

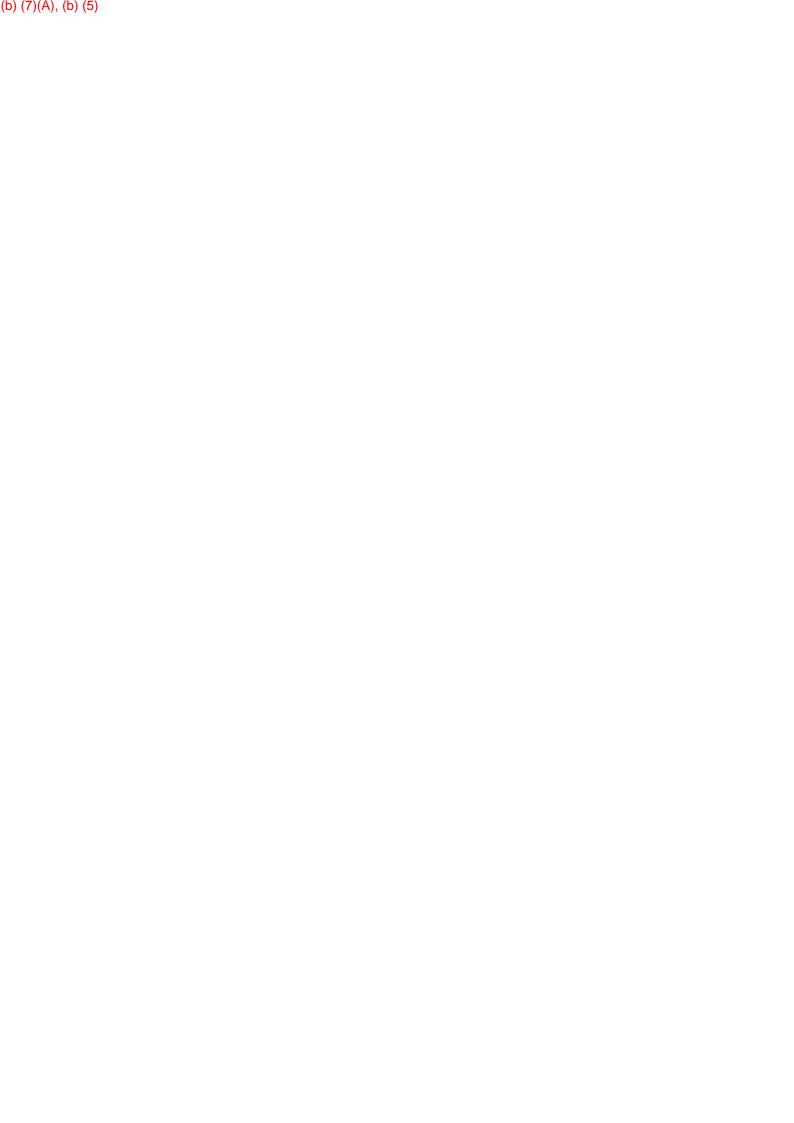
23. AR Number

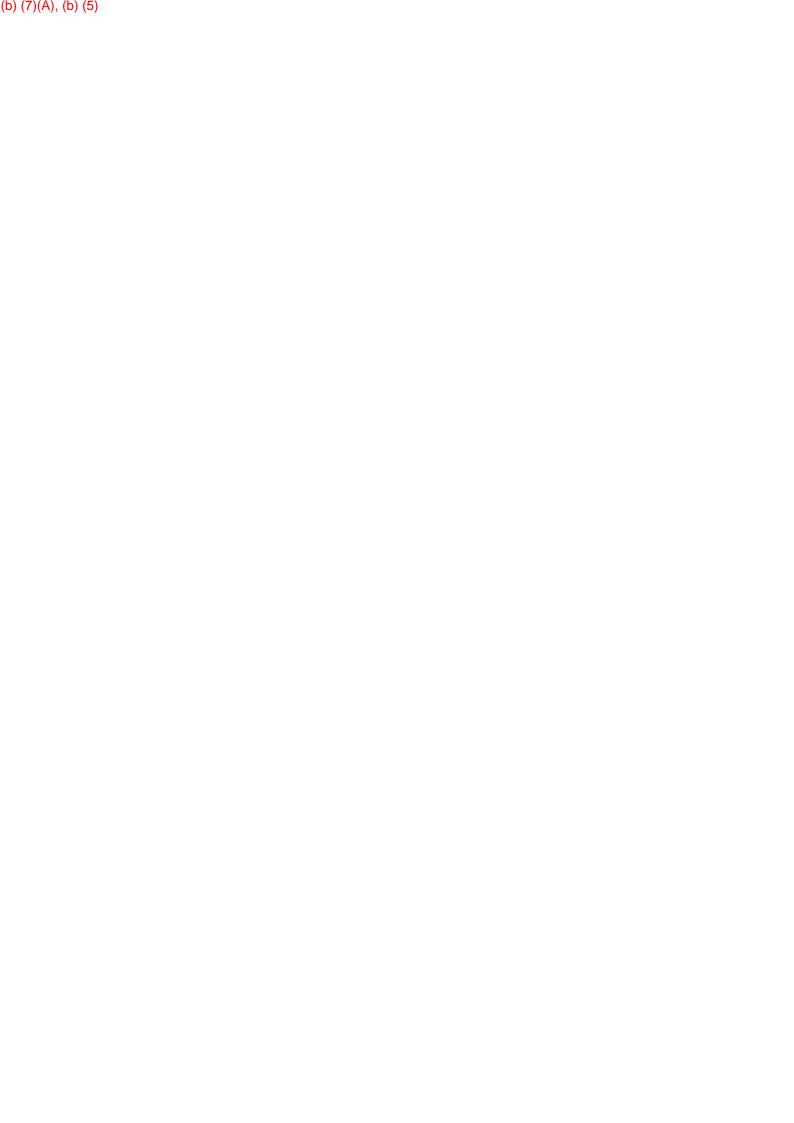
25214

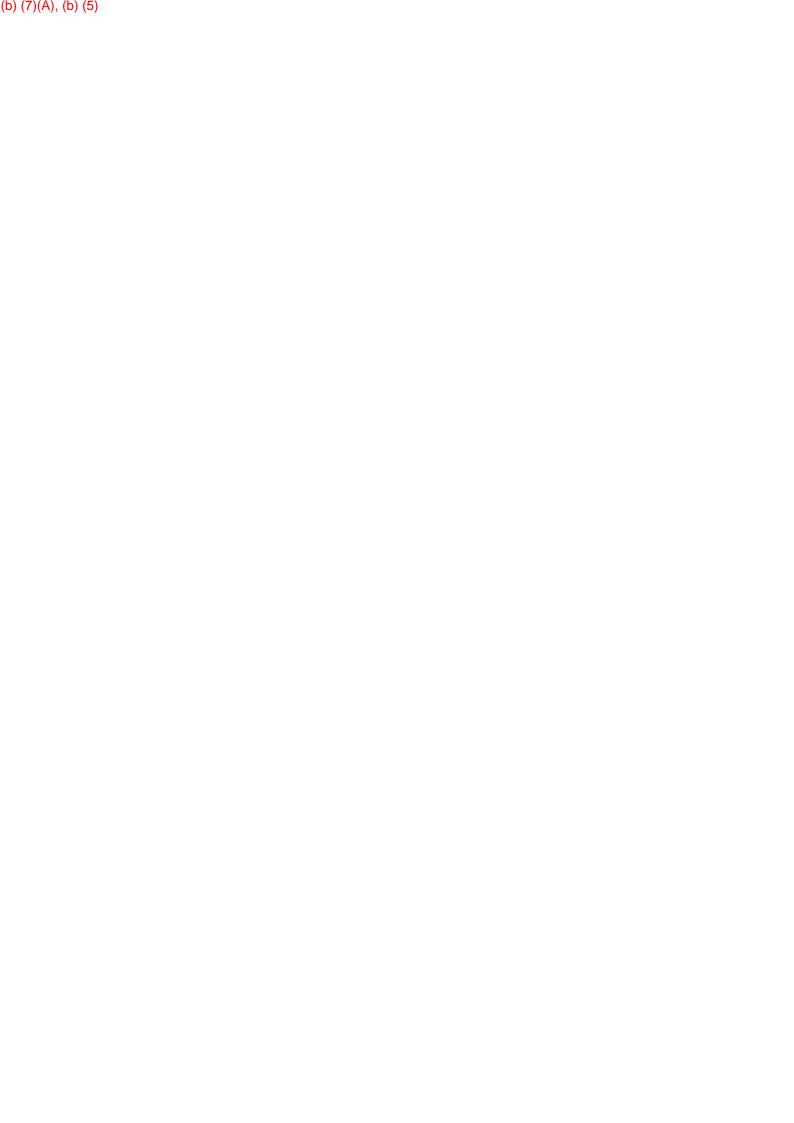
2-14-18

Mark E. Muncy

22. AR Name







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



Section I--Violation Data 1. Date Mo Da Yr 2. Time (24 Hr. Clock) 3. Citation/ 8068576 02/02/2018 Order Number 0702 4. Served To 5. Operator LUKE STEPP, SUPERINTENDENT ROCKWELL MINING LLC 6. Mine 7. Mine ID 46-06618 GATEWAY EAGLE MINE (Contractor) 8. Condition or Practice 8a. Written Notice (103g) 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. 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 B. Section C. Part/Section of Safety 🗸 of Act Title 30 CFR 48.7(a) Other Section II--Inspector's Evaluation 10. Gravity: A. Injury or Illness (has) (is): No Likelihood Unlikely | Reasonably Likely Highly Llkely Occurred < B. Injury or illness could rea-No Lost Workdays Lost Workdays Or Restricted Duty Permanently Disabling Fatal 🗸 sonably be expected to be: C. Significant and Substantial: D. Number of Persons Affected: Yes 🗸 001 No 🗌 11. Negligence (check one) A. None B. Low C. Moderate D. High 🗸 E. Reckless Disregard 12. Type of Action 13. Type of Issuance (check one) Citation Order 🗸 Written Notice 104(d)(1)Safeguard 14. Initial Action E. Citation/ F. Dated Mo Da Yr 8068575 A. Citation

B. Order

C. Safeguard

D. Written Notice Order Number 02/02/2018 15. Area or Equipment Rodney Osborne Mo Da Yr 16. Termination Due B. Time (24 Hr. Clock) A. Date 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 Mo Da Yr A. Date B. Time (24 Hr. Clock 0702 02/02/2018 Section IV--Automated System Data 19. Type of Inspection 20. Event Number 21. Primary or Mill 7003113 E06 (activity code) 22. AR Name 23. AR Number Mark E. Muncy 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 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 2-1418

Mine	Citation/Order
Conti	nuation

U.S. Department of LaborMine Safety and Health Administration

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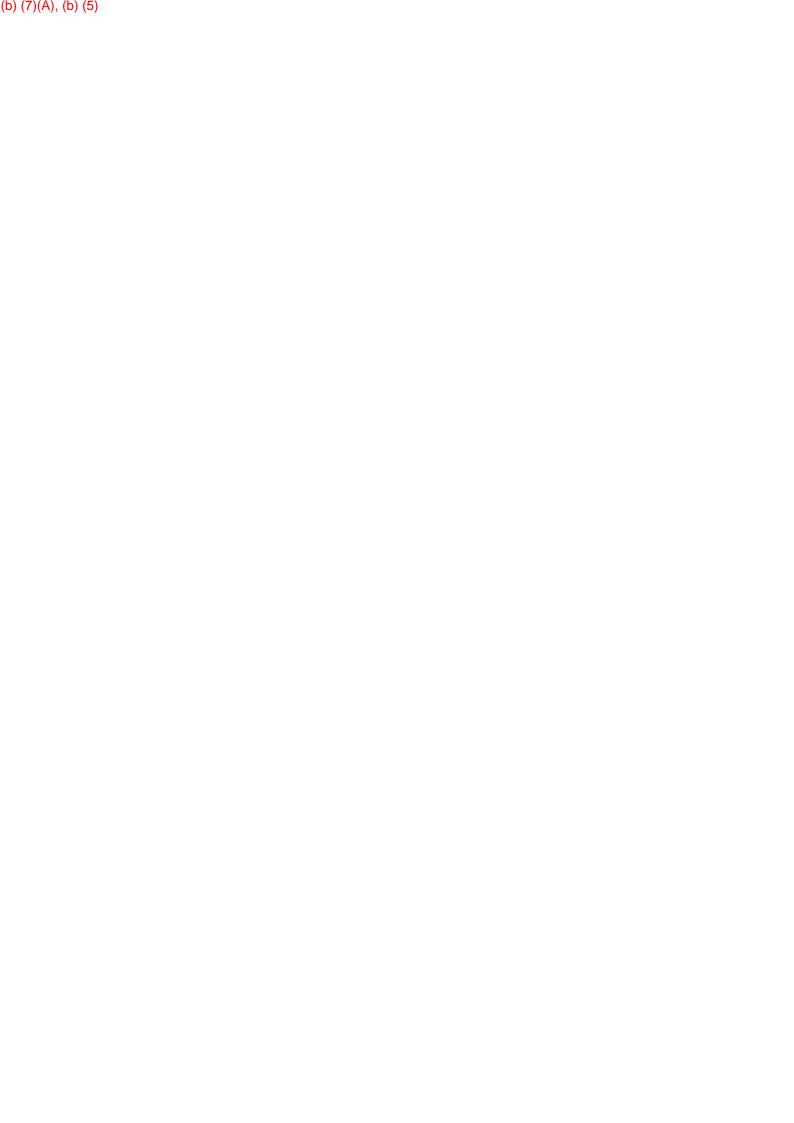
Section ISubsequent	t Action/Continuation Data					
1. Subsequent Acti	ion 1a. Continuation ✓	2. Dated (Original Issue)	Mo Da 02/02/20		3. Citation/ Order Number 8068576	
4. Served To				5. Operat	or	
LUKE STEPP,	SUPERINTENDEN	JT		ROCKV	WELL MINING LLC	
6. Mine				7. Mine II	16.06610	(Contractor)
GATEWAY EA	AGLE MINE				46-06618	
Section II Justification	o for Action				·	

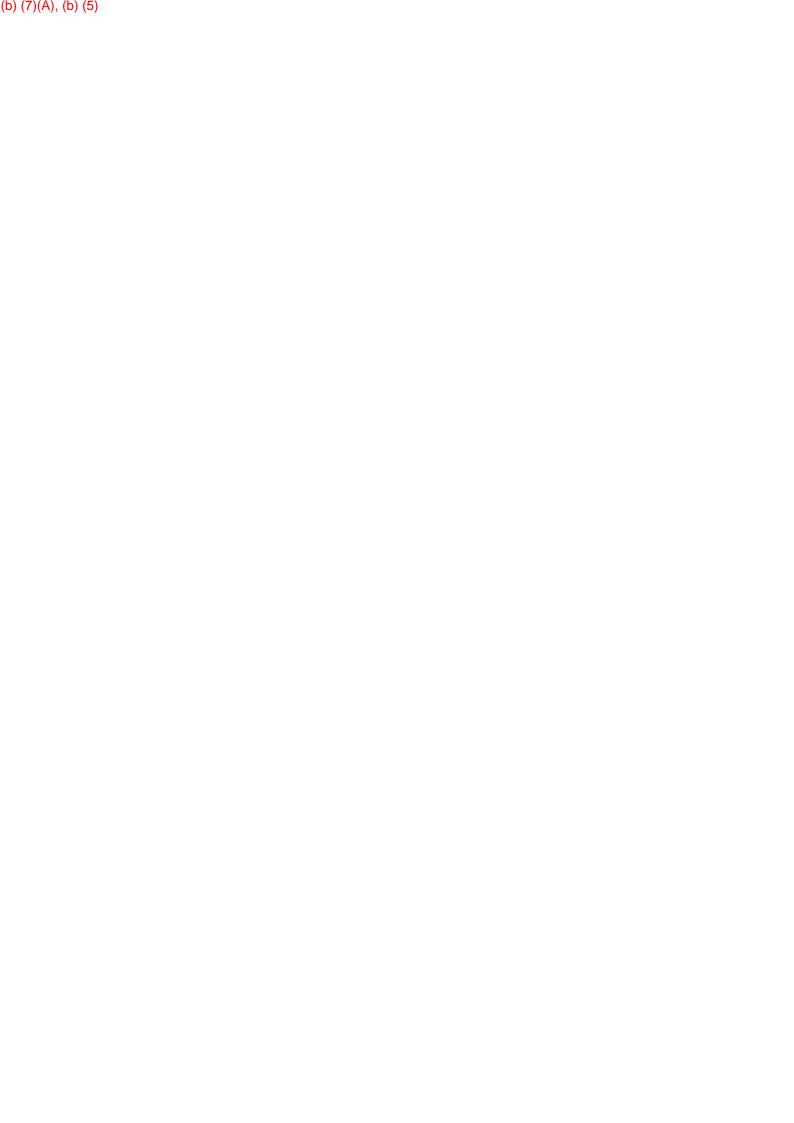
Continuation of 17. Action to Terminate

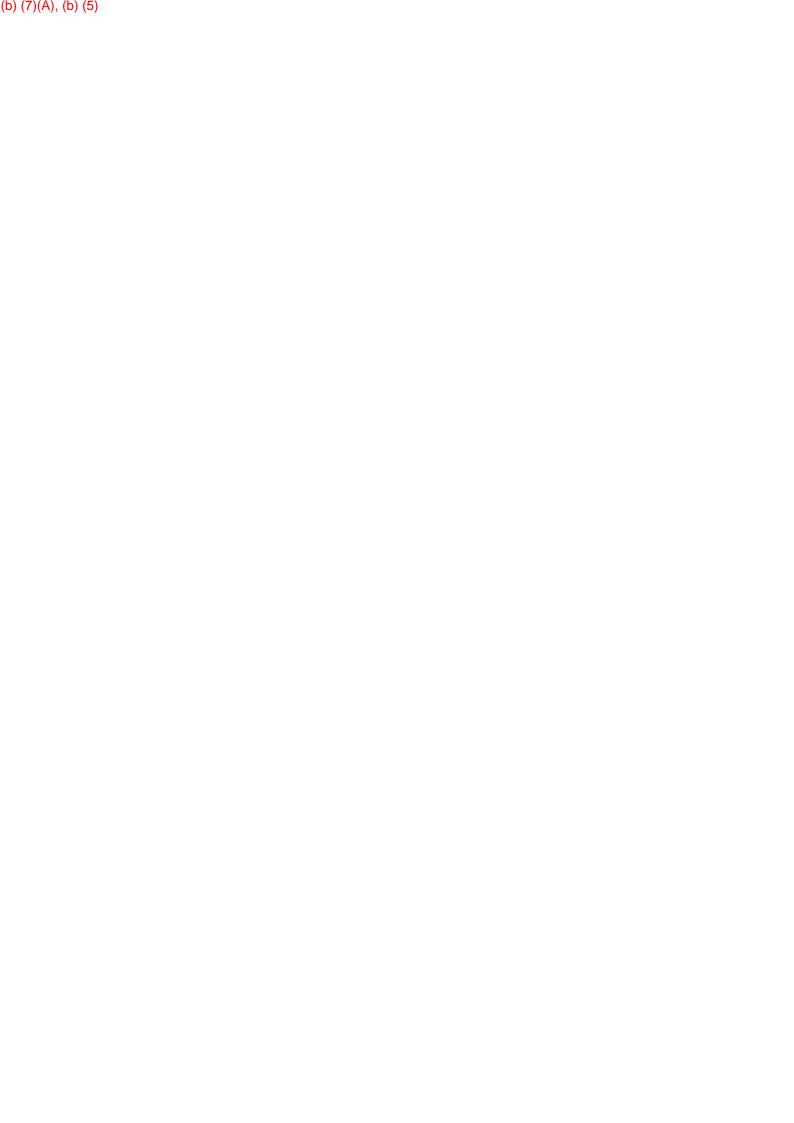
override use.

				Se	ee Continuation Form
Section IIISubsequent Action Taken					
8. Extended To A. Date Mo Da Yr B. Time	(24 Hr. Clock)]	C. Vacated	D. Terminated	E. Modified
Section IVInspection Data					
9. Type of Inspection $E06$ 10. Event Nur	7003113				
11. AR Name	AR Number	12. Date M	o Da Yr	13. Time (24 Hr. Clock)	
Mark E. Muncy	25214		02/02/2018	0702	









Mine Citation/Order

Section I--Violation Data

U.S. Department of LaborMine Safety and Health Administration



1. Date Mo Da Yr 02/02/2018	2. Time (24 Hr. Clo				3. Citation/ Order Number	806857	75
4. Served To	070	1	5. Operator	·			
LUKE STEPP, SUPERINT	ENDENT		100	ELL MINING	LLC		
6. Mine			7. Mine ID	16.06610			
GATEWAY EAGLE MINI	E			46-06618			(Contractor)
8. Condition or Practice						8a. Written N	Notice (103g)
On June 13, 2017,	at approx	kimately 8:4	3 p.m.,	a fatal	accident	occurre	ed on the
No. 1 working sec	tion, (010	0-0/011-0 MM	U). A	continuou	s mining	machine	3
operator was pinn	led betweer	n the mining	machin	e's right	side cut	ter hea	ad and
the coal rib whil	e moving t	the mining m	achine	from the	No. 3 ent	ry into	the
last open crosscu	ıt. The mi	ine operator	did no	t ensure	that the	emerger	ncy stop
override on the N	lo. 254 cor	ntinuous min	ing mac	chine, Ser	ial #JM58	301, was	s only
used for purposes	of reloca	ating the ma	chine f	rom an un	safe loca	ation fo	or
repair. Instead,	the emerc	gency stop o	verride	was bein	g used by	y the or	perator
during the moveme							
another during th	ne mining o	cycle. This	action	override	s the pro	oximity	
detection system	(PDS) and	prevents th	e syste	m from pr	eventing	tram ar	nd
conveyor boom swing on the continuous mining machine while the							
	_				See Continuation	on Form (MSHA	Form 7000-3a)
	B. Section		Part/Section of	of	75 1722/1		
Safety ✓ Other	of Act		Title 30 CFR		75.1732(t))	
Section IIInspector'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 Workda	ays Lost Work	days Or Restr	icted Duty	Permanently Dis	sabling	Fatal 🗸
C. Significant and Substantial:	Yes 🗸	No 🗌). Number of Pers	ons Affected:	001
11. Negligence (check one)	A. None	B. Low C. M	loderate	D. High 🗸	E. Rec	kless Disregar	D b
12. Type of Action 104(d)(1))	13. Type of Issuanc	e (check one)	Citation 🗸	Order Saf		Written Notice
14. Initial Action A. Citation B. Order	C. Safeguard 🔲 🏻 🗈	D. Written Notice	E. Citation/ Order Nu	mber		F. Dated	Mo Da Yr
15. Area or Equipment							
40 Tamainatian Bus	Mo Da Yr						
16. Termination Due A. Date	02/02/2018	B. Time (24 Hr. Clock)	0701	L			
Section IIITermination Action	02/02/2010			L			
	operator	implemented	an emer	raency sto	n overric	de plics	which
states "Except in	~	_		_	~		
a miner, continuo				-		ana sai	iccy or
19 Terminated Mo F	Da Yr			I	ene bbe		
ΙΔ Date	2/2018 B. Time	(24 Hr. Clock	0702				
Section IVAutomated System Data					_		
19. Type of Inspection (activity code) E06	20. Event Number	7003113	21. F	Primary or Mill			
22. AR Name Mark E. M	luncy				23. AR Numl	ber 252	 214

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.

X 2-1418

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



Section ISubsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo 02/02	Da Yr /2018	3. Citation/ Order Number	8068575			
4. Served To 5. Operator								
LUKE STEPP, SUPERINTEND	ENT		ROCK	ROCKWELL MINING LLC				
6. Mine				7. Mine ID (Contractor)				
GATEWAY EAGLE MINE				46-0661	8			
Section IIJustification 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 IIISubsequent Action Taken											
8. Extended To	A. Date M	o Da	Yr	B. Time (24	Hr. Clock)		C. Vaca	ted	D. Terminated	E. Modified	
Section IVInspection Data											
9. Type of Inspection E06			7003113								
11. AR Name					AR Number	12. Date	Mo Da	۲r	13. Time (24 Hr. Clo	ock)	
Mark E. Mu	ncy				25214		02/02/20	18	0701		

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

Pt 2.1418

U.S. Department of Labor



25214

			Mine	Safety ar	nd Health A	aministration		<u> </u>
Section IViolation Data								
1. Date Mo Da Y 02/02/20		4 Hr. Clock) 0700			3	3. Citation/ Order Number	806857	74
4. Served To	•			erator				
LUKE STEPP, SUPI	ERINTENDEN	Γ	ROC	KWELL	MINING I	LLC		
6. Mine			7. Mir	ie ID 4	6-06618			
	GATEWAY EAGLE MINE							(Contractor)
8. Condition or Practice								Notice (103g)
No. 1 working operator was the coal rib, last open croapproved roof specifically than when cut the CMM, and personnel sha 2) page 8,	section, pinned betwhile moves scut. The control pon 1) page ting or 10 they will 11 remain 1tem #36: er than when the section when the section between the section be	pproximately 8 (010-0/011-0) tween the minimal operator displan on the Note 19: "When to adding coal, rate in a safe at least 4 ference cutting or the commen cutting or the	MMU). Ing mach Id not O. 1 wo trammin no one locati eet out	A con hine's ine fr comply rking g the will b on out side t s mine ng	tinuous right com the vection CMM to be located by the che Red	s mining side cut No. 3 en orovision (010-0 the next ted along boom and Zone in eing tram	machine ter heatry in sof the MMU), place geithed head. all did not some on Form (MSHA	e ad and to the he , other r side of All rections;
Other	or Act		Title 30 V	JI 10		73.220(a)(1)	
Section IIInspector's Evaluat	on							
10. Gravity:								
A. Injury or Illness (has) (is): No Likeliho	od Unlikely	Reaso	onably Likely	y 🗌 Hi	ghly Llkely	Occurr	red 🗸
 B. Injury or illness coul sonably be expected 		Workdays Lost \	Norkdays Or	Restricted [Outy 🗌	Permanently Dis	abling 🗌	Fatal 🗸
C. Significant and Sub	stantial: Yes	✓ No □			D.	Number of Person	ons Affected:	001
11. Negligence (check on	e) A. None		C. Moderate		D. High		kless Disrega	ırd 🗌
12. Type of Action 10	4(a)	13. Type of Iss	uance (check	one) Ci	itation 🗸 🤇	Order Safe	eguard 🗌	Written Notice
14. Initial Action A. Citation B. Orde	er 🗌 C. Safegua	rd D. Written Notice	E. Cita	ation/ ler Number			F. Dated	Mo Da Yr
15. Area or Equipment			•					
16. Termination Due	Mo Da \\ 02/02/20	I B Time (24 Hr C)	ock)	0701				
Section IIITermination Action	Ì							
17. Action to Terminate		tor implemente						
training, pro	ximity de	tection train:	ing, in	crease	ed obse	rvations,	and d	ynamic
testing proce	edures. T	he operator re	evised	the ro	of con	trol plan	ı to	
18. Terminated A. Date	Mo Da Yr	B. Time (24 Hr. Clock	0701					
Section IVAutomated System								
19. Type of Inspection (activity code)	E06 20. Event	Number 700311	.3	21. Primar	y or M ill			
22. AR Name	L D M					23. AR Numb	per 25	214

In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has MSHA Form 7000-3, Apr 08 (revised) established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small business. Boards to receive comments from small business 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.

M 2-14-18

Mark E. Muncy

U.S. Department of LaborMine Safety and Health Administration



Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 02/02/20	8.8	3. Citation/ Order Number 8068574			
4. Served To			5. Operator				
LUKE STEPP, SUPERINTENDE	NT		ROCKWELL MINING LLC				
6. Mine			7. Mine ID (Contractor)				
GATEWAY EAGLE MINE			46-06618				
Section IIJustification 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 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.

										See Continuation Form [
Section IIISubsec	quent Action Tak	en									_
8. Extended To	A. Date Mo	Da	Yr	B. Time (24	Hr. Clock)		C. Vac	cated	D. Terminated	E. Modified	
Section IVInspection Data											
9. Type of Inspe	ection E06		10. E	vent Number	7003113						
11. AR Name					AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ock)	
Mark E. Mu	ncv				25214		02/02/2	.018	0700		

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

DT 2-14-18

Mine Citation/Order

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



-				Mine Safet	y and Health	n Administra	tion			
Section IViol	lation Data									
1. Date	Mo Da Yr 06/13/2017	2. Time (24 Hr. Cl 222				Citation/ Order Nur	mber 80685	71		
4. Served To				5. Operator						
REX OSE	BORNE, SUPERI	INTENDENT		ROCKWE	ELL MINING	G LLC				
6. Mine		Andrew Manual Manual Adam Construction of the		7. Mine ID	46-0661	Q				
GATEWA	AY EAGLE MIN	E			40-0001	·		(Contractor)		
8. Condition	or Practice						8a. Written	Notice (1035		
An fat	al accident	t has occu	rred at thi	is operati	on on 0	6/13/21	07 at			
approx	approximately 2100 hrs. This order is issued under Section 103(k) of the									
Federa	l Mine Safe	ety and He	alth Act of	£ 1977, to	assure	the sa	fety of a	11		
person	s at this	operation	and prevent	the dest	ruction	of any	evidence	which		
	assist in									
It pro	hibits all	activity	at the 010-	-0/011-0/0	12-0/01	3-0 MMU	's until	MSHA has		
	nined that									
	perator sha									
	l actions									
				2						
					14	See Conti	inuation Form (MSH/	A Form 7000-3a)		
		B. Section		C. Part/Section of						
	Safety Other	of Act		Title 30 CFR						
Section IIIns	spector's Evaluation									
10. Gravity:										
	or Illness (has) (is):	No Likelihood	Unlikely	Reasonably L	ikely	Highly Llkely	Occur	red		
	or illness could rea- bly be expected to be:	No Lost Workd	lays Lost W	orkdays Or Restric	ted Duty	Permanenti	ly Disabling	Fatal		
C. Signif	ficant and Substantial	Yes	No 🗌	~_		D. Number of	Persons Affected			
11. Negliger	nce (check one)	A. None	B. Low	C. Moderate	D. High	E.	Reckless Disrega	ard 🗌		
12. Type of	Action 103(k)		13. Type of Issua	ance (check one)	Citation	Order 🗸	Safeguard	Written Notice		
14. Initial Ad A. Citation		C. Safeguard	D. Written Notice	E. Citation/ Order Num	nber		F. Dated	Mo Da Yr		
15. Area or	Equipment Ent	ire 010-0/	011-0/012-0	0/013-0 MN	MU's.					
	### 010 0,011 0,010 0 1H10 D									
16. Termina	ation Due	Mo Da Yr								
.o. remine	A. Date		B. Time (24 Hr. Cloc	ck)						

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.

21. Primary or Mill

23. AR Number

25214

5AU 6/20/17

Section III--Termination Action
17. Action to Terminate

A. Date

Section IV--Automated System Data

19. Type of Inspection

(activity code)

Mo Da Yr

E06

Mark E. Muncy

20. Event Number

B. Time (24 Hr. Clock

7003113

18. Terminated

U.S. Department of LaborMine Safety and Health Administration



				NAME OF TAXABLE PARTY OF TAXABLE PARTY.			
Section ISubsequent Action/Continuation Data							
1. Subsequent Action 1a. Continuation	2. Dated Mo (Original Issue) 06/13	Da Yr /2017	3. Citation/ Order Number 8068571 - 01				
4. Served To		The second second second	5. Operator				
REX OSBORNE, SUPERINTEN	DENT	ROCK	ROCKWELL MINING LLC				
6. Mine		7. Mine	7. Mine ID (Contractor)				
GATEWAY EAGLE MINE			46-06618				
Section IIJustification for Actio							
Change Fr	om		То				
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 IIISubsection	Section IIISubsequent Action Taken								
8. Extended To	A. Date Mo	Da	Yr	Yr B. Time (24 Hr. Clock)			C. Vacated	D. Terminated	✓ E. Modified
Section IVInspection Data									
9. Type of Inspe	ection E06		10. E	vent Numbe	7003113				
11. AR Name					AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Cl	ock)
Mark E. Mu	ncy				25214		06/14/2017	0017	

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

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Section ISubsequent Action/Continuation Data								
1. Subsequent Action 1a. Continuation	2. Dated Mo I (Original Issue) 06/13/	Da Yr /2017	1 - 0					
4. Served To		5. Opera	5. Operator					
REX OSBORNE, SUPERINTENI	DENT	ROCK	ROCKWELL MINING LLC					
6. Mine		7. Mine	7. Mine ID (Contractor)					
GATEWAY EAGLE MINE			46-06618					
Section IIJustification for Actio								
Change Fro	m		To					

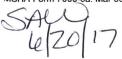
15. Area or Equipment

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 012-0/013-0MMU 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 IIISubsequent	Action Take	n								
8. Extended To A. D	ate Mo	Da	Yr	B. Time (24	Hr. Clock)		C. Va	cated	D. Terminated	✔ E. Modifiea
Section IVInspection D	ata									
9. Type of Inspection	E06		10. E	vent Numbe	7003113			ÚT.		
11. AR Name					AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ock)
Mark E. Muncy					25214		06/14/2	2017	0345	



Mine Citation/Order	
Continuation	

U.S. Department of Labor

Mine Safety and Health Administration

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Section ISubsequent Action/Continuation Data						7 /
Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/13/20		3. Citation/ Order Number 80	068571 - 03	
4. Served To			5. Operat	or		
Luke Stepp			ROCKY	WELL MINING LI	LC	
6. Mine			7. Mine II			(Contractor)
GATEWAY EAGLE MINE				46-06618		
Section IIJustification 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 IIISubsequent Action Taken					
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Cl	ock)	C. Vacated	D. Terminated	✓ E. Modified
Section IVInspection Data					
9. Type of Inspection E06	0. Event Number	7003113		7.7.	
11. AR Name	AR Nu	umber 12. Date	Mo Da Yr	13. Time (24 Hr. Clo	ock)
Jonathan Cline	2518	0	06/14/2017	1230	

U.S. Department of LaborMine Safety and Health Administration

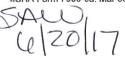
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Section ISubsequent Action/Contin	uation Data				
1. Subsequent Action 1a. Conti	nuation 2. Dated (Origina	Mo Da Issue) 06/13/20		3. Citation/ Order Number 8068571	- 04
4. Served To			5. Operato	г	
LUKE STEPP, SUPERIN	NTENDENT		ROCKW	ELL MINING LLC	
6. Mine			7. Mine ID	46.06610	(Contractor)
GATEWAY EAGLE MI	NE			46-06618	
Section II-Justification for Action					
Change	From			То	
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 IIISubse	equent Action Tak	en .	to contract designation				Steam Land Co. May coloning as efficiently of immoves the immove of the firm of 170 Architecture. Co. 200		
8. Extended To	A. Date Mo	Da	Υr	B. Time (24	Hr. Clock)		C. Vacated	D. Terminated	✓ E. Modifiec
Section IVInsper	ction Data			to a graph the continue and the second of the second secon					
9. Type of Insp	ection E06		10. E	vent Number	7003113				
11. AR Name	WY-1/1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-				AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. C	lock)
Mark F. Mu	nev				25214	İ	06/15/2017	0910	



U.S. Department of LaborMine Safety and Health Administration



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Section ISubsequent Action/Continuation Data					
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/13/20	1000	3. Citation/ Order Number 8068571 - ()5
4. Served To	1 , 3 ,		5. Operate		
Luke Stepp			ROCKV	VELL MINING LLC	
6. Mine			7. Mine ID		(Contractor)
GATEWAY EAGLE MINE				46-06618	
Section IIJustification 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 IIISubsec	quent Action	Taken									
8. Extended To	A. Date	Мо	Da	Yr	B. Time (24	Hr. Clock)		☐ C. Va	cated	D. Terminated	✓ E. Modified
Section IVInspec	tion Data										
9. Type of Inspe	ection E()6		10. E	vent Number	7003113					
11. AR Name						AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ock)
Jonathan Cli	ne					25180		06/16/2	2017	1519	

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



==== i—>uosequent Action/Conti		Contraction appearance 50000000	
Subsequent Action 1a. Con	tinuation 2. Dated (Original Issue)	Da Yr 3. Citation/ /13/2017 Order Number 8068571 - 06	
Served To		5. Operator	
LUKE STEPP, SUPERI	NTENDENT	ROCKWELL MINING LLC	
6. Mine		7. Mine ID	(Contractor)
GATEWAY EAGLE M	NE	46-06618	
Section II-Justification for Action			
Change	From	То	

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 IIISubsequent Action Taken						THE PERSON NAMED IN COLUMN		the transfer of the state of th
3. Extended To A. Date Mo	Da Yr	B. Time (2	4 Hr. Clock)	artistys en	C. Vacat	ed	D. Terminated	✓ E. Modified
Section IVInspection Data	C-CONTROL CONTROL CONT							
9. Type of Inspection E06	10. E	vent Numbe	r 7003113			Maria Amerika		
11. AR Name			AR Number	12. Date	Mo Da Y	r	13. Time (24 Hr. Clo	ock)
Mark E. Muncy			25214		06/20/201	17	1134	

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



Section ISubsequent	Action/Continuation Data							
1. Subsequent Actio	on 1a. Continuation	2. Dated (Original Issue)	Mo 06/13	Da Yr 3/2017	3. Citation/ Order Number	8068571 - 07		
4. Served To			Ų Q.	5. Oper	ator	,		
Luke Stepp - Su	perintendant			ROCK	WELL MINING	G LLC		
6. Mine				7. Mine ID (Contracto				
GATEWAY EA	AGLE MINE		46-06618					
Section IIJustification	for Action	•	, and					
Change	Fr	om			To			
5. Area or Equipment								
Reason This 10	03(k) 0rder is being	modified to allow th	ne operat	tor to return	the 013 MMU Joy	y continuous mining m	nachine, CO #262,	

Reason This 103(k) 0rder 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 IIISubsequent Action Taken			
8. Extended To A. Date Mo Da	Yr B. Time (24 Hr. Clock)	C. Vacated	D. Terminated
Section IVInspection Data			
9. Type of Inspection E06	0. Event Number 7003113		
11. AR Name	AR Number	12. Date Mo Da Yr	13. Time (24 Hr. Clock)
Rex A. Hampton	24938	06/21/2017	1230

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U.S. Department of LaborMine Safety and Health Administration



Section ISubsequent Action/Continuation Data				·	
1. Subsequent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/13/201		3. Citation/ Order Number 8068571 - 08	
4. Served To			5. Operato	or	
Luke Stepp - Superintendant			ROCKV	VELL MINING LLC	
6. Mine			7. Mine ID	16.06610	(Contractor)
GATEWAY EAGLE MINE				46-06618	
Section IIJustification 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 IIISubse	quent Action	Taken									
8. Extended To	A. Date	Мо	Da	Yr	B. Time (24	Hr. Clock)		C. Va	cated	D. Terminated	E. Modified
Section IVInspec	tion Data										
9. Type of Inspe	P. Type of Inspection E06 10. Event Number 7003113										
11. AR Name						AR Number	12. Date	Mo Da	Yr	13. Time (24 Hr. Clo	ock)
Rex A. Ham	pton					24938		06/21/2	2017	1449	

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Mine Citation/Order







Continua	ation			Mine Sa	fety and Health A	dministration	
Section ISu	ubsequent Action/Continuation Data	-					
1. Subseq	uent Action 1a. Continuation	2. Dated (Original Issue)	Mo Da 06/13/20		3. Citation/ Order Number 8	068571 - 09	
4. Served	То			5. Operate			
Luke Ste	epp - Superintendant				VELL MINING I	LLC	
6. Mine				7. Mine ID	46-06618		(Contractor)
	AY EAGLE MINE				40-00010		
Section IIJ	ustification for Action						
Change	Fre	om			To		
15. Area or Equipmen	M.						
Reason	System functions properly be the emergency manual over must be observed from the be certified in a separate record moves.	the 011 MMU corey performing all stride is engaged. All beginning until conditions in the mine diffication also allower mounted Proximitation warning	atinuous mini atic and dyna I place chang apletion by a office by the ws the operat ty Detection indicators wh	ng machinamic tests, es for the certified foreman or to mov	ne, verifying that the including displaying 011 MMU continuted foreman, and these observing the ethe Joy continuous anctions properly by the regency manual ox	e machine mounted ing the proper warnious mining machine observations must be as mining machine, by performing all star verride is engaged, t	Proximity Detection ing indicators when e, Ser. # Jm5839B2, be recorded and Ser #JM5801, after tic and dynamic
Section III-	-Subsequent Action Taken	·					See Continuation Form
o. Exterio	A. Date	B. Time (24 Hr. C	lock)		C. Vacated	D. Terminated	✓ E. Modified
Section IV-	Inspection Data						
9. Type o	of Inspection E06	Event Number	7003113				
11. AR N	ame	AR N	umber	12. Date	Mo Da Yr	13. Time (24 Hr. CI	ock)
Rex A.	Hampton	2493	38		06/22/2017	1138	

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

Mine Citation/Order





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	quent Action/Continuation Da	ıta		,		
errore.	t Action 1a. Continuation	2. Dated	Mo Da Yr	3. Citation/	060571 10	
<u> </u>		(Original Issue)	06/13/2017	Order Number 8	068571 - 10	
4. Served To			5. Operate			
Rex Osbour 6. Mine	ne	, , ,		VELL MINING L	LLC	
	EAGLE MINE		7. Mine ID	46-06618		(Contractor)
Section IIJustific				10 00010		
Change		From		То		
15. Area or Equipment				10		
Iro	m the criteria for both	ncluding displaying the continuous mining ma	chines.			
solution	ntirety. The n to provide	of a certifi operator als a visible in ual override	o is contact dication for	ing the mac	hine manuf	acturer for
						See Continuation Form
Section IIISubse	quent Action Taken					GGG CONTINUATION FORM
8. Extended To	A. Date Mo Da `	B. Time (24 Hr. Clock	x)	C. Vacated	D. Terminated	✓ E. Modified
Section IVInspec						
9. Type of Inspe	ection E06	D. Event Number 700)3113			

AR Number

24938

12. Date

Mo Da

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13. Time (24 Hr. Clock)

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Rex A. Hampton

11. AR Name



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Section ISubsequent Action/Continuation I	Data				
1. Subsequent Action 1a. Continuatio	(Original Issue)	Da Yr 13/2017	3. Citation/ Order Number	3068571 - 11	
4. Served To		5. Ope	erator		
Rex Osbourne		ROC	KWELL MINING	LLC	
6. Mine		7. Min			(Contractor)
GATEWAY EAGLE MINE			46-06618		(Gontractor)
Section IIJustification for Action					
Change	From		To		
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.

Section III Cube and Astro-Til			2				See Continuation Form
Section IIISubsequent Action Taken							
8. Extended To A. Date Mo Da	Yr	B. Time (24	4 Hr. Clock)		C. Vacated	D. Terminated	✓ E. Modified
Section IVInspection Data							
9. Type of Inspection E06 10. Event Number 7003113							
11. AR Name			AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clo	nck)
Rex A. Hampton		-	24938		06/23/2017	1550	, or ,

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Section ISubsequent Action/Continuation Data			
1. Subsequent Action 1a. Continuation	2. Dated Mo (Original Issue) 06/13	Da Yr 3. Citation/ Order Number 806857	1 - 12
4. Served To		5. Operator	
LUKE STEPP, SUPERINTENDE	NT	ROCKWELL MINING LLC	N- 1
6. Mine		7. Mine ID	(Contractor)
GATEWAY EAGLE MINE	E 46-06618		
Section IIJustification for Action			
Change Fr	om	То	

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 Da ✓ E. Modified C. Vacated D. Terminated B. Time (24 Hr. Clock) A. Date Section IV--Inspection Data 9. Type of Inspection E06 10. Event Number 7003113 AR Number 12. Date Mo Da 13. Time (24 Hr. Clock) 11. AR Name 07/13/2017 0915 25214 Mark E. Muncy



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Section ISubsequent Action/Continuation Data				
Subsequent Action 1a. Continuation 2. Da	ated Mo Da priginal Issue) $06/13/201$		3. Citation/ Order Number 8068571 - 13	
4. Served To			T	
LUKE STEPP, SUPERINTENDENT		ROCKWELL MINING LLC		
6. Mine		7. Mine ID		(Contractor)
GATEWAY EAGLE MINE			46-06618	,
Section IIJustification for Action				

The investigation is now complete.

					3	See Continuation Form
Section IIISubsequent Action Taken						
8. Extended To A. Date Mo Da	Yr B. Time (2	B. Time (24 Hr. Clock)			✓ D. Terminated	E. Modified
Section IVInspection Data						
9. Type of Inspection E06	10. Event Numbe	r 7003113				
11. AR Name		AR Number	12. Date	Mo Da Yr	13. Time (24 Hr. Clock	<u>()</u>
Mark E. Muncy		25214		02/02/2018	1025	

