



## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0750	3. Citation/ Order Number 9191641
4. Served To Scott Webb, Safety Director	5. Operator M-CLASS MINING LLC	
6. Mine MC#1 MINE	7. Mine ID 11-03189	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

MC#1 Mine did not immediately contact MSHA at once without delay and within 15 minutes once they knew of the fire on the Headgate #8 Longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 that occurred on 8/13/2021. Miners were not withdrawn to a safe area and the longwall remained in operation. MSHA was notified of the accident at 10:49 EST on 8/14/2021 by a hazardous condition complaint. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 50.10 (d)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 074
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall and underground area of the mine.				

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

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

## Section IV--Automated System Data

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.

## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0853	3. Citation/ Order Number 9191642
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)

## 8. Condition or Practice

8a. Written Notice (103g) ☐

The operator failed to report the longwall fire that occurred at the mine on 8/13/2021 at the Headgate #8 longwall within ten working days after the fire occurred. Additionally, information for items 7, 11, and 12 under Section C were not completed and items 6 and 8 under Section C are not correct. The condition has been designated as "non-significant and substantial" because the conduct violated a provision of the Mine Act other than a mandatory safety or health standard.

Standard 50.20(a) was cited 13 times in two years at mine 1103189.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 50.20(a)
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## Section II--Inspector's Evaluation

10. Gravely:				
A. Injury or illness (has) (is): No Likelihood <input checked="" type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 000
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104(a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>				E. Citation/ Order Number
F. Dated Mo Da Yr				
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 11/5/2021	B. Time (24 Hr. Clock) 0800
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## Section III--Termination Action

## 17. Action to Terminate

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

19. Type of Inspection (activity code) EO8	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.



## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0900	3. Citation/ Order Number 9191643
4. Served To Scott Webb, Safety Director	5. Operator M-CLASS MINING LLC	
6. Mine MC#1 MINE	7. Mine ID 11-03189	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

A foam generator was observed on the Headgate #8 longwall in number 1 entry between crosscut 25 and crosscut 26 under unsupported roof during investigation on 8/14/2021 of a hazard complaint of a fire on the longwall. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.202 (b)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 001
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021

## 15. Area or Equipment

The foam generator observed on the Headgate #8 longwall in number 1 entry between crosscut 25 and crosscut 26 under unsupported roof.

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

## 17. Action to Terminate

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

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or MII
22. AR Name Bub Whitfield		23. AR Number 25151

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.

## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0904	3. Citation/ Order Number 9191644
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

An inadequate pre-shift examination for the oncoming third shift was conducted by the 2nd shift longwall foreman on 8/13/2021 between the hours of 8:00 p.m. and 11:00 p.m. A fire occurred on the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 and the hazardous condition of the fire was not recorded in the examination book. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

Standard 75.360(a)(1) was cited 2 times in two years at mine 1103189 (1 to the operator, 1 to a contractor).

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.360 (a) (1)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (Is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected; 134
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall..				

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

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

## Section IV--Automated System Data

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.



## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0908	3. Citation/ Order Number 9191645
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

An inadequate on-shift examination was conducted by the 2nd shift longwall foreman on 8/13/2021. A fire occurred on the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 and the hazardous condition of the fire was not recorded in the examination book. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.362 (a) (1)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 074
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall.				

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

## 17. Action to Terminate

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

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.

## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0914	3. Citation/ Order Number 9191646
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

An inadequate pre-shift examination for the oncoming shift was conducted by the 3rd shift longwall foreman on 8/14/2021 between the hours of 4:00 a.m. and 7:00 a.m. A fire occurred on the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 and the hazardous condition of the fire was not recorded in the examination book. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

Standard 75.360(a)(1) was cited 2 times in two years at mine 1103189 (1 to the operator, 1 to a contractor).

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.360 (a) (1)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No-Lost Workdays <input type="checkbox"/> Lost Workdays-Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 134
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall.				

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

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

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.



## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0916	3. Citation/ Order Number 9191647
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

An inadequate on-shift examination was conducted by the 3rd shift longwall foreman on 8/14/2021. A fire occurred on the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 and the hazardous condition of the fire was not recorded in the examination book. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.362 (a) (1)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 056
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall.				

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

## 17. Action to Terminate

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

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.

## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0919	3. Citation/ Order Number 9191648
4. Served To Scott Webb, Safety Director	5. Operator M-CLASS MINING LLC	
6. Mine MC#1 MINE	7. Mine ID 11-03189	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The responsible person on 2nd shift 8/13/2021 and 3rd shift starting on 8/13/2021 did not initiate and conduct an immediate mine evacuation when there was a fire located at the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1501 (b)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 134
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021

## 15. Area or Equipment

Headgate #8 longwall and underground area of the mine.

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

## 17. Action to Terminate

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

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.





## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0921	3. Citation/ Order Number 9191649
4. Served To Scott Webb, Safety Director	5. Operator M-CLASS MINING LLC	
6. Mine MC#1 MINE	7. Mine ID 11-03189 (Contractor)	
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The mine operator did not follow its' approved Mine Emergency Evacuation and Firefighting Program when a fire occurred on the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 on 8/13/2021. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator engaged in aggravated conduct constituting more than ordinary negligence.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1502
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 134
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall and underground area of the mine.				

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

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

## Section IV--Automated System Data

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.



## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0924	3. Citation/ Order Number 9191650
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The operator is not following the tracking system requirements of item (a) of page 5 and items (a) through (f) of page 7 in its approved Emergency Response Plan dated Feb. 18, 2020. The following mine personnel were working underground without being tracked by the mine tracking system during a fire located at the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1; The Foresight General Manager on 2nd shift of 8/13/2021, the General Manager on 2nd shift of 8/13/2021, the Mine Superintendent on 2nd shift of 8/13/2021 and 3rd shift of 8/14/2021, the [REDACTED] on dayshift and 2nd shift of 8/13/2021, and an [REDACTED] on dayshift and 2nd shift of 8/13/2021. Additionally, a miner was [REDACTED] underground on 8/14/2021 without being tracked by the mine tracking system after the 103(k) Order 9198903 was issued and miners were evacuated. Also, two tracking devices used for tracking miners' location underground were found left underground at the last open belt trailer near the Headgate #8 longwall. The two devices were identified as issued to a dayshift Section Foreman and a [REDACTED]. This violation is an unwarrantable failure to comply with a statutory provision. The mine operator has

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act 316 (b) (2) (A)	C. Part/Section of Title 30 CFR
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 008
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall and underground area of the mine.				

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

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

## Section IV--Automated System Data

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.



Mine Citation/Order  
Continuation

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



Section I--Subsequent Action/Continuation Data

1. Subsequent Action 1a. Continuation <input type="checkbox"/> <input checked="" type="checkbox"/>	2. Dated (Original Issue)	Mo Da Yr 11/4/2021	3. Citation/ Order Number	9191650
4. Served To Scott Webb, Safety Director			5. Operator M-CLASS MINING LLC	
6. Mine MC#1 MINE			7. Mine ID 11-03189 (Contractor)	

Section II--Justification for Action

Continuation of 8. Condition or Practice

engaged in aggravated conduct constituting more than ordinary negligence. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form ☐

Section III--Subsequent Action Taken

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

9. Type of Inspection E08	10. Event Number 7006992				
11. AR Name Bub Whitfield	AR Number 25151	12. Date Mo Da Yr 11/4/2021	13. Time (24 Hr. Clock) 0924		

## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0929	3. Citation/ Order Number 9191651
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Two miners were performing [REDACTED] work underground on 8/14/2021 after the 103(k) Order 9198903 was issued at 12:15 p.m. for the fire on the Headgate #8 longwall and miners were evacuated. The two miners were not immediately notified of the emergency and evacuation and did not leave the underground area of the mine until 1:00p.m. The mine tracking system also shows a miner underground on the Viking side of the mine after the 103(k) order 9198903 was modified to allow the operator to implement the M-Class South District 2 Panel 8 Longwall Atmospheric Monitoring Action Plan 8/14/2021. The miner gathered firefighting foam from multiple locations and took it to the Headgate #8 longwall area. This work was in violation of the 103(k) order.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act 103 (k)	C. Part/Section of Title 30 CFR
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input checked="" type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input checked="" type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input type="checkbox"/>				
C. Significant and Substantial: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				D. Number of Persons Affected: 003
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104 (a)		13. Type of Issuance (check one) Citation <input checked="" type="checkbox"/> Order <input type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number		F. Dated Mo Da Yr
15. Area or Equipment				

16. Termination Due	A. Date Mo Da Yr 11/8/2021	B. Time (24 Hr. Clock) 1200
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## 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) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.





## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0940	3. Citation/ Order Number 9191652
4. Served To Scott Webb, Safety Director	5. Operator M-CLASS MINING LLC	
6. Mine MC#1 MINE	7. Mine ID 11-03189	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

Two miners were performing [REDACTED] work underground after 103(k) Order 9198903 was issued at 12:15 p.m. on 8/14/2021 and the mine was evacuated due to a fire on the Headgate #8 Longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 that occurred on 8/13/2021. The miners were not immediately notified of the emergency and evacuation. The safety director of the mine pulled one of the [REDACTED] check-in tags off the tag board without verifying if the miner was located underground, while the miner was still underground. Additionally, the other miner's tag was not on the board while the miner was underground. Another miner sent underground to find the two [REDACTED] is shown underground on the mine tracking system without having a check-in tag on the tag board. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.1715
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 003
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input checked="" type="checkbox"/> E. Reckless Disregard <input type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021

## 15. Area or Equipment

The underground area of the mine.

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

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

## Section IV--Automated System Data

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0947	3. Citation/ Order Number 9191653
4. Served To Scott Webb, Safety Director	5. Operator M-CLASS MINING LLC	
6. Mine MC#1 MINE	7. Mine ID 11-03189	(Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The 2nd shift longwall foreman did not make a record of the fire that occurred on the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 after conducting the preshift and on-shift examinations on 8/13/2021. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

Standard 75.363(b) was cited 4 times in two years at mine 1103189, all to the operator.

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

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.363 (b)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 134
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021

## 15. Area or Equipment

Headgate #8 longwall and underground area of the mine.

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

## 17. Action to Terminate

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

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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.



## Mine Citation/Order

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

## Section I--Violation Data

1. Date Mo Da Yr 11/4/2021	2. Time (24 Hr. Clock) 0950	3. Citation/ Order Number 9191654
4. Served To Scott Webb, Safety Director		5. Operator M-CLASS MINING LLC
6. Mine MC#1 MINE		7. Mine ID 11-03189 (Contractor)
8. Condition or Practice		8a. Written Notice (103g) <input type="checkbox"/>

The 3rd shift longwall foreman did not make a record of the fire that occurred on the Headgate #8 longwall behind the headgate shields between crosscut 26 and crosscut 27 in entry 1 after conducting the preshift and on-shift examinations on 8/14/2021. Miners were not withdrawn to a safe area and the longwall remained in operation. This violation is an unwarrantable failure to comply with a mandatory standard. The mine operator has engaged in aggravated conduct constituting more than ordinary negligence.

Standard 75.363(b) was cited 4 times in two years at mine 1103189, all to the operator.

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

9. Violation	A. Health Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 75.363 (b)
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## Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input checked="" type="checkbox"/> Occurred <input type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 134
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104 (d) (2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/> Written Notice <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 9195395		F. Dated Mo Da Yr 4/26/2021
15. Area or Equipment Headgate #8 longwall and underground area of the mine.				

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

17. Action to Terminate		
18. Terminated	A. Date Mo Da Yr	B. Time (24 Hr. Clock)

## Section IV--Automated System Data

19. Type of Inspection (activity code) E08	20. Event Number 7006992	21. Primary or Mill
22. AR Name Bub Whitfield		23. AR Number 25151

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