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Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Paramont Contura, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 24, 2026.

ADDRESSES: You may submit comments identified by Docket No. MSHA-2026-0529 by any of the following methods:

1. *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments for MSHA-2026-0529.

2. *Fax:* 202-693-9441.

3. *Email:* petitioncomments@dol.gov.

4. *Regular Mail or Hand Delivery:*

MSHA, Office of Standards, Regulations, and Variances, Room C3522, 200 Constitution Ave. NW, Washington, DC 20210.

Attention: Jessica D. Senk, Acting Director, Office of Standards, Regulations, and Variances. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202-693-9440 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Jessica D. Senk, Office of Standards, Regulations, and Variances at 202-693-9440 (voice), Petitionsformodification@dol.gov (email), or 202-693-9441 (fax). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M-2026-013-C

Petitioner: Paramont Contura, LLC, 7045 Dante Mountain Road, Dante Virginia, 24327.

Mine: Deep Mine 46, MSHA ID No. 44-07433, located in Dickenson County, Virginia.

Regulation Affected: 30 CFR 75-1700, Oil and gas wells.

Modification Request: The petitioner requests modification of 30 CFR 75.1700 to permit an alternative method of compliance with the standard with respect to gas wells.

The petitioner states that:

(a) Paramont's Deep Mine 46 is located in Virginia with an official address of record of 7045 Dante Mountain Road, Dante Virginia, 24327. Paramont desires to plug vertically drilled degasification boreholes with or without horizontal laterals to permit mining through the boreholes.

(b) The alternative method will at all times guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

The petitioner proposes the following alternative method:

(a) Scope.

(1) The petition applies to all wells to be mined through located within the mineable reserve at Paramont Contura, LLC—Deep Mine 46.

(b) District Manager Approval Required.

(1) A safety barrier of 300 feet in diameter (150 between any mined area and a well) shall be maintained around all wells (defined herein to include all active, inactive, abandoned, shut-in, and previously plugged oil and gas wells, and including water injection wells) until approval to proceed with mining has been obtained from the District

Manager. Wells that were drilled into potential oil or gas producing formations that did not produce commercial quantities of either gas or oil (wildcat wells or dry holes) are also defined as oil or gas wells.

(2) Prior to mining within the safety barrier around any well that is intended to be mined through, the mine operator shall provide to the District Manager a sworn affidavit or declaration executed by a company official stating that all mandatory procedures for cleaning out, preparing, and plugging each gas or oil well have been completed as described by the terms and conditions of the Proposed Decision and Order (PDO) granted by MSHA. The affidavit or declaration shall be accompanied by all logs described in subparagraphs (c)(1)(ii) and (c)(1)(iv) below and any other records described in those subparagraphs which the District Manager may request. The District Manager shall review the affidavit or declaration, the logs and any other records that have been requested, and may inspect the well itself, and shall then determine if the operator has complied with the procedures for cleaning out, preparing and plugging each well as described by the terms and conditions of the PDO granted by MSHA. If the District Manager determines that the procedures have been complied with, he shall provide his approval and the mine operator may then mine within the safety barrier of the well, subject to the terms of the PDO granted by MSHA.

(3) The terms and conditions of the PDO granted by MSHA apply to all types of coal mining.

(c) Mandatory Procedures for Cleaning Out, Preparing, Plugging, and Replugging Oil or Gas Wells.

(1) Mandatory procedures for cleaning out and preparing vertical oil and gas wells prior to plugging or replugging.

(i) If the total depth of the well is less than 4,000 feet, the operator shall completely clean out the well from the surface to at least 200 feet below the base of the lowest mineable coal seam, unless the District Manager requires cleaning to a greater depth based on his judgment as to what is required due to the geological strata, or due to the pressure within the well (the operator shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well). If the total depth of the well is 4,000 feet or greater, the operator shall completely clean out the well from the surface to at least 400 feet below the base of the lowest mineable coal seam. The operator shall

remove all material from the entire diameter of the well, wall to wall.

(ii) The operator shall prepare down-hole logs for each well. They shall consist of a caliper survey and log(s) suitable for determining the top, bottom, and thickness of all coal seams and potential hydrocarbon producing strata and the location for a bridge plug. The District Manager may approve the use of a down-hole camera survey in lieu of down-hole logs. In addition, a journal shall be maintained describing the depth of each material encountered, the nature of each material encountered, bit size and type used to drill each portion of the hole, length and type of each material used to plug the well, length of casing(s) removed, perforated or ripped or left in place, any sections where casing was cut or milled, and other pertinent information concerning cleaning and sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(iii) When cleaning out the well as provided for in subparagraph (1)(i), the operator shall make a diligent effort to remove all of the casing in the well. If it is not possible to remove all of the casing, then the operator shall take appropriate steps to ensure that the annulus between the casing and between the casings and the well walls are filled with expanding (minimum 0.5 percent expansion upon setting) cement and contain no voids. If the casing cannot be removed, it shall be cut or milled at all mineable coal seam levels. Any casing which remains shall be perforated or ripped. Perforations or rips are required at least every 50 feet, from 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam up to 100 feet above the uppermost mineable coal seam. If the operator, using a casing bond log, can demonstrate to the satisfaction of the District Manager that all annuli in the well are already adequately sealed with cement, then the operator shall not be required to perforate or rip the casing for that particular well. When multiple casing and tubing strings are present in the coal horizon(s), any casing which remains shall be ripped or perforated and filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed infused in lieu of ripping or perforating multiple strings.

(iv) If the District Manager concludes that the cleaned-out well is emitting excessive amounts of gas, a mechanical bridge plug shall be placed in the borehole in a competent stratum at least

200 feet (400 feet if the total well depth is 4,000 feet or greater) below the lowest mineable coal seam but above the top of the uppermost hydrocarbon-producing stratum, unless the District Manager requires a greater distance based on his judgment that it is required due to the geological strata or due to the pressure within the well (the operator shall provide the District Manager with all information it possesses concerning the geological nature of the strata and the pressure of the well). If it is not possible to set a mechanical bridge plug, an appropriately sized packer may be used.

(v) If the uppermost gas-producing stratum is within 300 feet of the base of the lowest mineable coal seam, the operator shall properly place mechanical bridge plugs or cap seal plugs or a suitable brush plug shall be used to isolate the hydrocarbon-producing stratum from the expanding cement plug. Nevertheless, the operator shall place a minimum of 200 feet (400 feet if the total well depth is 4,000 feet or greater) of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater distance based on his judgment that it is required due to the geological strata, or due to the pressure within the well.

(2) Mandatory procedures for plugging or replugging oil or gas wells to the surface.

After completely cleaning out the well as specified in paragraph (c)(1)(i) above, the following procedures shall be used to plug or replug gas or oil wells to the surface:

(i) The operator shall pump expanding cement slurry down the well to form a plug which runs from at least 200 feet (400 feet if the total well depth is 4,000 feet or greater) below the base of the lowest mineable coal seam (or lower if required by the District Manager based on his judgment that a lower depth is required due to the geological strata, or due to the pressure within the well) to the surface. The expanding cement shall be placed in the well under a pressure of at least 200 pounds per square inch. Portland cement or a lightweight cement mixture may be used to fill the area from 100 feet above the top of the uppermost mineable coal seam (or higher if required by the District Manager based on his judgment that a higher distance is required due to the geological strata, or due to the pressure within the well) to the surface.

(ii) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4½ inch or larger casing,

set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing. When the hole cannot be marked with a physical monument (*i.e.*, prime farmland), high-resolution GPS coordinates (one-half meter resolution) are required.

(3) Mandatory procedures for plugging or replugging oil and gas wells for use as degasification boreholes.

After completely cleaning out the well as specified in paragraph c(i)(l) above, the following procedures shall be utilized when plugging or replugging oil or gas wells that are used as degasification boreholes:

(i) The operator shall set a cement plug in the well by pumping an expanding cement slurry down the tubing to provide at least 200 feet of expanding cement below the lowest mineable coal seam, unless the District Manager requires a greater depth based on his judgment that a greater depth is required due to the geological strata, or due to the pressure within the well. The expanding cement shall be placed in the well under a pressure of at least 200 pounds per square inch. The top of the expanding cement shall extend at least 100 feet above the top of the coal seam being mined, unless the District Manager requires a greater distance based on his judgment that a greater distance is required due to the geological strata, or due to the pressure within the well.

(ii) The operator shall securely grout into the bedrock of the upper portion of the degasification well a suitable casing. In order to protect it, the remainder of this well may be cased or uncased.

(iii) The operator shall fit the top of the degasification casing with a wellhead equipped as required by the District Manager in the approved ventilation plan. Such equipment may include check valves, shut-in valves, sampling ports, flame arrestor equipment, and security fencing.

(iv) Operation of the degasification well shall be addressed in the approved ventilation plan. This may include periodic tests of methane levels and limits on the minimum methane concentrations that may be extracted.

(v) After the area of the coal mine that is degassed by a well is sealed or the coal mine is abandoned, the operator shall seal degas holes using the following procedures:

(A) The operator shall insert a tube to the bottom of the drill hole or, if not possible, to at least 100 feet above the coal seam being mined. Any blockage shall be removed to ensure that the tube can be inserted to this depth.

(B) The operator shall set a cement plug in the well by pumping Portland cement or a lightweight cement mixture down the tubing until the well is filled to the surface.

(C) The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4 in or larger casing, set in cement, shall extend at least 36 inches above the ground level with the API well number engraved or welded on the casing.

(4) Mandatory alternative procedures for preparing and plugging or replugging oil or gas wells.

The following provisions shall apply to all wells which the operator determines, and the MSHA District Manager agrees, cannot be completely cleaned out due to damage to the well caused by subsidence, caving or other factors.

(i) The operator shall drill a hole adjacent and parallel to the well, to a depth of at least 200 feet below the lowest mineable coal seam, unless the District Manager requires a greater depth based on his judgment that a greater depth is required due to the geological strata, or due to the pressure within the well.

(ii) The operator shall use a geophysical sensing device to locate any casing which may remain in the well.

(iii) If the well contains casing(s), the operator shall drill into the well from the parallel hole. From 10 feet below the coal seam to 10 feet above the coal seam, the operator shall perforate or rip all casings at intervals of at least 5 feet. Beyond this distance, the operator shall perforate or rip at least every 50 feet from at least 200 feet below the base of the lowest mineable coal seam up to 100 feet above the seam being mined, unless the District Manager requires a greater distance based on his judgment that a greater distance is required due to the geological strata, or due to the pressure within the well. The operator shall fill the annulus between the casings and between the casings and the well wall with expanding (minimum 0.5 percent expansion upon setting) cement, and shall ensure that these areas contain no voids. If the operator, using a casing bond log, can demonstrate to the satisfaction of the District Manager that the annulus of the well is adequately sealed with cement, then the operator shall not be required to perforate or rip the casing for that particular well, or fill these areas with cement. When multiple casing and tubing strings are present in the coal horizon(s), any casing which remains shall be ripped or perforated

and filled with expanding cement as indicated above. An acceptable casing bond log for each casing and tubing string is needed if used in lieu of ripping or perforating multiple strings.

(iv) Where the operator determines, and the District Manager agrees, that there is insufficient casing in the well to allow the method outlined in subparagraph (4)(iii) to be used, then the operator shall use a horizontal hydraulic fracturing technique to intercept the original well. From at least 200 feet below the base of the lowest mineable coal seam to a point at least 50 feet above the seam being mined, the operator shall fracture in at least six places, at intervals to be agreed upon by the operator and the District Manager after considering the geological strata and the pressure within the well. The operator shall then pump expanding cement into the fractured well in sufficient quantities and in a manner which fills all intercepted voids.

(v) The operator shall prepare down-hole logs for each well. They shall consist of a caliper survey and log(s) suitable for determining the top, bottom, and thickness of all coal seams and potential hydrocarbon producing strata and the location for the bridge plug. The operator may obtain the logs from the adjacent hole rather than the well if the condition of the well makes it impractical to insert the equipment necessary to obtain the log. The District Manager may approve the use of a down-hole camera survey in lieu of downhole logs if in his judgment such logs would not be suitable for obtaining the above-listed data or are impractical to obtain due to the condition of the drill hole. A journal shall be maintained describing the depth of each material encountered, the nature of each material encountered, bit size and type used to drill each portion of the hole, length and type of each material used to plug the well, length of casing(s) removed, perforated or ripped or left in place, and other pertinent information concerning sealing the well. Invoices, work-orders, and other records relating to all work on the well shall be maintained as part of this journal and provided to MSHA upon request.

(vi) After the operator has plugged the well as described in subparagraphs (4)(iii) and/or (4)(iv), the operator shall plug the adjacent hole, from the bottom to the surface, with Portland cement or a lightweight cement mixture. The operator shall embed steel turnings or other small magnetic particles in the top of the cement near the surface to serve as a permanent magnetic monument of the well. In the alternative, a 4½ inch or larger casing, set in cement, shall

extend at least 36 inches above the ground level. A combination of the methods outlined in subparagraphs (4)(iii) and (4)(iv) may have to be used in a single well, depending upon the conditions of the hole and the presence of casings. The operator and the District Manager should discuss the nature of each hole. The District Manager may require that more than one method be utilized.

(d) Mandatory Procedures After Approval Has been Granted by the District Manager To Mine Within the Safety Barrier, or To Mine Through a Plugged or Replugged Well.

(1) A representative of the operator, a representative of the miners, the appropriate State agency, or the MSHA District Manager may request that a conference be conducted prior to mining through any plugged or replugged well. Upon receipt of any such request, the District Manager shall schedule such a conference. The party requesting the conference shall notify all other parties listed above within a reasonable time prior to the conference to provide opportunity for participation. The purpose of the conference shall be to review, evaluate, and accommodate any abnormal or unusual circumstance(s) related to the condition of the well or surrounding strata when such conditions are encountered.

(2) The operator shall mine through a well on a shift approved by the District Manager. The operator shall notify the District Manager and the miners' representative in sufficient time prior to mining-through a well in order to provide an opportunity to have representatives present.

(3) When using continuous mining methods, drilage sights shall be installed at the last open crosscut near the place to be mined to ensure intersection of the well. The drilage sites shall not be more than 50 feet from the well. When using longwall-mining methods, drilage sights shall be installed on 10-foot centers for a distance of 50 feet in advance of the well bore. The drilage sights shall be installed in the headgate and tailgate.

(4) The operator shall ensure that fire-fighting equipment including fire extinguishers, rock dust, and sufficient fire hose to reach the working face area of the well intersection (when either the conventional or continuous mining method is used) is available and operable during all well intersections. The fire hose shall be located in the last open crosscut of the entry or room. The operator shall maintain the water line to the belt conveyor tailpiece along with a sufficient amount of fire hose to reach the farthest point of penetration on the

section. When the longwall mining method is used, a hose to the longwall water supply is sufficient.

(5) The operator shall ensure that sufficient supplies of roof support and ventilation materials shall be available and located at the last open crosscut. In addition, emergency plugs and suitable sealing materials shall be available in the immediate area of the well intersection.

(6) On the shift prior to mining through the well, the operator shall service all equipment and check it for permissibility. Water sprays, water pressures and water flow rates used for dust and spark suppression shall be examined and any deficiencies corrected.

(7) The operator shall calibrate the methane monitor(s) on the longwall, continuous mining machine, or cutting machine and loading machine on the shift prior to mining through the well.

(8) When mining is in progress, the operator shall perform tests for methane with a handheld methane detector at least every 10 minutes from the time that mining with the continuous mining machine or longwall face is within 30 feet of the well until the well is intersected and immediately prior to mining through it. During the actual cutting process, no individual shall be allowed on the return side until the well intersection has been completed, the area has been examined and has been declared safe. All workplace examinations shall be conducted on the return side of the shearer while the shearer is idle.

(9) When using continuous or conventional mining methods, the working place shall be free from accumulations of coal dust and coal spillages, and rock dust shall be placed on the roof, rib and floor to within 20 feet of the face when mining through the well. On longwall sections, rock dusting shall be conducted and placed on the roof, rib and floor up to both the headgate and tailgate gob.

(10) When the well is intersected, the operator shall deenergize all equipment and thoroughly examine and determine they are safe before mining is resumed.

(11) When a well has been intersected and the working place determined safe, mining shall continue in by the well a sufficient distance to permit adequate ventilation around the area of the well.

(12) If the casing is cut or milled at the coal seam level, the use of torches should not be necessary. However, in rare instances, torches may be used for inadequately or inaccurately cut or milled casings. No open flame shall be permitted in the area until adequate ventilation has been established around

the wellbore and methane levels of less than 1.0 percent are present in all areas that will be exposed to flames and sparks from the torch. The operator shall apply a thick layer of rock dust to the roof, face, floor, ribs and any exposed coal within 20 feet of the casing prior to any use of torches.

(13) Non-sparking (brass) tools shall be located on the working section and shall be used to expose and examine cased walls.

(14) No person shall be permitted in the area of the mine through operation except those actually engaged in the operation, company personnel, representatives of the miners, personnel from MSHA, and personnel from the appropriate State agency.

(15) The operator shall alert all personnel in the mine to the planned intersection of the well prior to their going underground if the planned intersection is to occur during their shift. This warning shall be repeated for all shifts until the well has been mined through.

(16) The well intersection shall be under the direct supervision of a certified official. Instructions concerning the mine through operation shall be issued only by the certified official in charge.

(17) The provisions of the PDO granted by MSHA do not impair the authority of representatives of MSHA to interrupt or halt the well intersection, and to issue a withdrawal order, when they deem it necessary for the safety of the miners. MSHA may order an interruption or cessation of the well intersection and/or a withdrawal of personnel by issuing either a verbal or written order to that effect to a representative of the operator, which order shall include the basis for the order. Operations in the affected area of the mine may not resume until a representative of MSHA permits resumption. The mine operator and miners shall comply with verbal or written MSHA orders immediately. All verbal orders shall be committed to writing within a reasonable time as conditions permit.

(18) A copy of the PDO granted by MSHA shall be maintained at the mine and be available to the miners.

(19) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plan to the District Manager. The proposed revisions shall include initial and refresher training regarding compliance with the terms and conditions stated in the PDO granted by MSHA. The operator shall provide all miners involved in the well intersection

with training regarding the requirements of the PDO granted by MSHA prior to mining within 150 feet of the next well intended to be mined through.

(20) The responsible-person required under 30 CFR 75.1501 is responsible for well intersection emergencies. The well intersection procedures should be reviewed by the responsible-person prior to any planned intersection.

(21) Within 30 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved mine emergency evacuation and firefighting plan required by 30 CFR 75.1501. The operator shall revise the plans to include the hazards and evacuation procedures to be used for well intersections. All underground miners shall be trained in this revised plan within 30 days of the submittal of the revised evacuation plan.

(22) The miners at Deep Mine 46 are not represented by a labor organization and the petition for modification has been posted on the mine bulletin board on May 8, 2026, and shall remain in place until such time as a ruling on this petition becomes final.

In support of the petition, the petitioner provided additional information including a mine map showing the oil and gas wells, existing mine workings, and proposed future mining areas.

The petitioner asserts that the alternative method will guarantee no less than the same measure of protection afforded the miners under the mandatory standard.

Jessica D. Senk,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2026-12658 Filed 6-23-26; 8:45 am]

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DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by Iron Cumberland, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before July 24, 2026.